

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1685 SCOMM 67: GUIDING AND GAME TASK FORCE, 1989-1990 1253

5. If there are outfitters or others who provide hunting services in your area, how much of the money made from the industry circulates in your community?

 100% 75% 1 50% 1 25% 7 Less than 25% 6 Don't Know

 2 (No Response)

6. Are local game resources enough to meet the needs of all users, including subsistence, commercial and sport?

 11 Yes 5 No 1 (No Response)

If there are conflicting uses, what species would you say are the most seriously affected?

 6 Moose 3 Bear 2 Caribou 4 Sheep 1 Sheefish

Written Comments:

* With larger influx of people coming in every year, it will become very competitive for resources. -- (Kotzebue)

7. Have you seen an increase in the commercial taking of game in your area?

 8 Yes 8 No 1 (No Response)

Written Comments:

* Wolves. -- (Kobuk)

8. Would you say that the laws and regulations covering commercial big game hunting are adequately enforced in your area?

 9 Yes 7 No 1 (No Response)

Please comment here if your answer is "no:"

Written Comments:

* Sport hunters come in and out of the area and it seems like for the numbers, there should be come citations issued at least. -- (Noorvik)

* The law is there but no one to enforce it when it should be enforced. -- (Shungnak)

B. Do you see any problems with the procedures for becoming a master guide, registered guide or assistant guide?

5 Yes 9 No 3 (No Response)

If your answer was "yes," what specific area(s) need the most improvement?

Written Comments:

- * Procedures. No investors. -- (Selawik)
- * The technical aspects of the exam are too obviously scattered to exclude Native hunters. -- (Kotzebue)
- * Too much control by guides in the procedure to become a registered guide. You should be able to put three years in as an assistant guide and then take a standardized test to become a registered guide. -- (Kotzebue)
- * Some of our more experienced people don't have the education to do the paperwork necessary to become guides. -- (Kotzebue)
- * The local areas must become involved in determining who and how many guides should be in that particular area. -- (Kotzebue)

11. Do you feel that people in Alaska's rural areas have an adequate and equal opportunity to benefit financially from the state's big game hunting industry?

6 Yes 9 No 2 (No Response)

If your answer was "no," please comment on how rural Alaskans could benefit more from this industry:

Written Comments:

- * Employment is very limited in rural communities and hunters can put their skills to use as guides. -- (Noorvik)
- * We need work with the guide to benefit financially. -- (Shungnak)
- * If a person is going to hunt in a specific area, contact the local game man rather than fly with game hunter from far away. -- (Selawik)
- * The State sanctions the very industry that Native hunters are regulated out of. -- (Kotzebue)
- * Again because of the State requirement to have an educational background, it does not give enough room for those who are experienced but lack education. -- (Kotzebue)

- * Not if you're white in some areas and have an aircraft. -- (Kotzebue)
- * A regulation specifically geared to the local rural outfitters and guides "area." -- (Deering)
- * Stop all aircraft hunting of animals. Get down to ground level. -- (Kotzebue)

12. Overall, how would you rate Alaska's guiding system as it works in your area?

___ Very Good 2 Good 3 Fair 2 Poor 4 Very Bad
6 (No Response)

13. Whether or not you see problems with the current system of regulating the commercial taking of game in your area, do you think there has to be a system to control the commercial harvest of big game animals? Please explain your opinion below:

Written Comments:

- * Yes, there has to be a control on big game hunting so that meat and skins are not wasted so much like before. -- (Deering)
- * Yes, because as it is we hear a lot about outfitters from Anchorage and Fairbanks dropping sport hunters off in the NANA (Northwest Alaska) Region in bug numbers. Taking game specifically for sport or trophy leaves less for people who use animals not only for food but also for clothing, etc. On paper subsistence has priority, but the Game Board thinks a lot less of it. -- (Noorvik)
- * We don't know who the guides are and what harvest they have and control over what ever they do. -- (Shungnak)
- * Yes, as we try to subsist we also have harvest controls, we live mostly with what we hunt. -- (Selawik)
- * Yes, an area is closed to a single guide and none for use in the future. -- (Kotzebue)
- * Like local hire, local opportunity should be just as serious a part of the criteria for the industry, such that the regulatory body be tailored to encourage local participation as well as the need to regulate locally, not the opposite as is the system now. -- (Kotzebue)
- * Yes. If commercial taking of game is practiced in this area, how are we to feel that all the meat is being taken out and not left behind for waste. -- (Buckland)

* Yes. If the State can work with some local Fish & Game councils maybe the system can be simplified to where everyone can benefit from it. -- (Kotzebue)

* Whenever a bear comes into the village or any other destroying animal, we will just shoot it with no comments. We do not and are not interested in guiding, sport fishing, lodging for as it is important to us to catch and eat each mammal or edible animal. -- (Kivalina)

* Yes. If you didn't have there would be problems of over harvesting, inadequate care and safety for hunters and increases in game violations as competition for game increased. -- (Kotzebue)

* Non residents should be required to have guides as is the case with aliens. -- (Kotzebue)

* Yes, any taking of big game animals needs a system of regulation to ensure their survival for future generations. -- (Deering)

* No guides in our area. -- (Buckland)

* Most definitely. The State must regulate how many clients a guide should have - each guide must have a certain number (quota) of animals he/she guides for each fall. If we continue with the present system, within 5-10 years we will have nothing to hunt for food. All guides must be made responsible for the meat. The wanton waste regulations must be revised and be more restrictive and must reflect the values of the areas most affected. Outfitters must be restricted as much or more than guides. -- (Kotzebue)

Additional Comments or Letters:

* Vernita,

I wanted to express several more points with the guiding business that must be dealt with in the near future.

First of all, once a guide obtains a guide's license in our area, he or she gets it for life - regardless if that person ever sets foot in the Kotzebue area again. We have one teacher who got a guide's license in the 60's and left Kotzebue and has not been here since. Yet that person still owns the license and still leases the license out to whomever he wishes. This brings up the other problem. If you own a guide license, how many persons can you lease your license out to?

There is no control - local or otherwise - to monitor who and how many can lease a license. The local community must have a say in this unregulated process.

A guide license must not be for life - a person must be made to know that license is being actively used by the licensee. If not, then we need a provision to eliminate that license. There are very few positions that are for life - I believe a Supreme Court Justice in the U.S. Courts is one such life-long job. How is it that a guide who never lives in an area is given a life-long right to hunt that area. Even us local Native people do not have that kind of privilege.

Thank you for your time.

Sincerely, -- (Kotzebue)

SEALASKA REGION

7 Responses received from Haines, Hoonah, Kake, Kasaan, Metlakatla, Wrangell, and Yakutat.

1. Do you participate in any of the following areas of the commercial big game hunting industry? (Total number of responses checked)

<u> </u> Master Guide	<u> </u> Lodge Owner
<u> </u> Registered Guide	<u> </u> Lodge Worker
<u> </u> Class-A Assistant Guide	<u> </u> Air Transportation
<u> </u> Assistant Guide	<u> 1 </u> Water Transportation
<u> 1 </u> Outfitter	<u> </u> Land Transportation

2. How many of the following would you say operate in your area? (The numbers here represent the upper and lower limits in the range of responses.)

<u> 0-10 </u> Master/Registered/Assistant Guides	<u> 0-3 </u> Outfitters
<u> 0-4 </u> Transportation Services for Guides	<u> 0-2 </u> Lodges
Other:	<u> 0-3 </u> Sporting Goods Sales
<u> 1 </u> Guides operating out of other towns - hunting in our area.	

3. How important is commercial big game hunting to the local economy?

<u> </u> Very Important	<u> 2 </u> Important	<u> 1 </u> Not Very Important
<u> 3 </u> No Guiding Here	<u> 1 </u> (No Response)	

4. If there are guides in your area, how much of the money made from the industry circulates in your community?

<u> </u> 100%	<u> 2 </u> 75%	<u> </u> 50%	<u> </u> 25%	<u> 2 </u> Less than 25%	<u> 2 </u> Don't Know
<u> 1 </u> (No Response)					

5. If there are outfitters or others who provide hunting services in your area, how much of the money made from the industry circulates in your community?

 100% 1 75% 1 50% 25% 2 Less than 25% 2 Don't Know

 1 (No Response)

6. Are local game resources enough to meet the needs of all users, including subsistence, commercial and sport?

 3 Yes 3 No 1 (No Response)

If there are conflicting uses, what species would you say are the most seriously affected?

 1 Moose 1 Deer

7. Have you seen an increase in the commercial taking of game in your area?

 3 Yes 3 No 1 (No Response)

8. Would you say that the laws and regulations covering commercial big game hunting are adequately enforced in your area?

 3 Yes 3 No 1 (No Response)

Please comment here if your answer is "no:"

Written Comments:

* We are still messing with what to do with our moose season. -- (Haines)

9. Is there a problem with illegal harvest of game in your area by any of the following? (Total number of responses)

 Guides Outfitters Air Taxi Services Lodge Owners

 3 Other 4 (None or No Response)

Please comment here if you wish:

Written Comments:

- * Normal winter poaching problem with moose. -- (Haines)
- * Hunters coming in from outside and hunting (deer) from their vehicles on logging roads. -- (Hoonah)
- * Illegal harvest of deer, moose, salmon, steelhead by local residents. -- (Wrangell)

10. A. Are you aware of the procedures for becoming a licensed guide?

3 Yes 3 No 1 (No Response)

B. Do you see any problems with the procedures for becoming a master guide, registered guide or assistant guide?

1 Yes 4 No 2 (No Response)

If your answer was "yes," what specific area(s) need the most improvement?

Written Comments:

- * Recruiting of local residents to be hired on, and be given an area to guide after becoming a guide. -- (Wrangell)

11. Do you feel that people in Alaska's rural areas have an adequate and equal opportunity to benefit financially from the state's big game hunting industry?

4 Yes 1 No 2 (No Response)

If your answer was "no," please comment on how rural Alaskans could benefit more from this industry:

Written Comments:

- * Allowing more local residents to become guides, instead of a handful of guides monopolizing. -- (Wrangell)

12. Overall, how would you rate Alaska's guiding system as it works in your area?

2 Very Good ___ Good 2 Fair 1 Poor ___ Very Bad
2 (No Response)

13. Whether or not you see problems with the current system of regulating the commercial taking of game in your area, do you think there has to be a system to control the commercial harvest of big game animals? Please explain your opinion below:

Written Comments:

- * Without a reasonable control on any commercial venture, greed takes over common sense. -- (Haines)
- * Yes I believe so. If not big game, such as the bear on this island would become extinct. -- (Hoonah)
- * Subsistence use should always come first before commercial harvest to allow residents a yearly harvest. -- (Wrangell)
- * No big game hunting on the reservation. -- (Metlakatla)

STATEWIDE SUMMARY OF QUESTIONNAIRE RESULTS

284 RESPONSES (+ 2 Letters)

3. How important is commercial big game hunting to the local economy?

43 Very Important 64 Important 73 Not Very Important
89 No Guiding Here 15 (No Response)

6. Are local game resources enough to meet the needs of all users, including subsistence, commercial and sport?

132 Yes 127 No 25 (No Response)

8. Would you say that the laws and regulations covering commercial big game hunting are adequately enforced in your area?

121 Yes 131 No 32 (No Response)

10. A. Are you aware of the procedures for becoming a licensed guide?

122 Yes 119 No 43 (No Response)

B. Do you see any problems with the procedures for becoming a master guide, registered guide or assistant guide?

82 Yes 121 No 81 (No Response)

11. Do you feel that people in Alaska's rural areas have an adequate and equal opportunity to benefit financially from the state's big game hunting industry?

85 Yes 133 No 66 (No Response)

12. Overall, how would you rate Alaska's guiding system as it works in your area?

16 Very Good 39 Good 62 Fair 41 Poor 43 Very Bad
83 (No Response)

LIST OF RESPONDING COMMUNITIES

Afognak Island, Akiachuk, Alakanuk, Alatna, Alexander Creek, Allakaket, Anaktuvuk Pass, Anchorage, Aniak, Atkasuk, Barrow, Beaver, Beluga River, Bethel, Bettles, Birch Creek, Brevig Mission, Buckland, Cantwell, Chalkyitsik, Chevak, Chistochina, Chitina, Chuathbaluk, Chugiak, Circle, Clam Gulch, Cold Bay, Copper Center, Council, Cripple Landing, Crooked Creek, Deering, Dillingham, Dutch Harbor, Eagle, Egegik, Emmonak, Ester, Fairbanks, Fort Yukon, Gakona, Galena, Girdwood, Glennallen, Golovin, Goodnews Bay, Grayling, Gulkana, Haines, Healy, Holy Cross, Hoonah, Hooper Bay, Houston, Hughes, Huslia, Iliamna, Kake, Kaktovik, Kalskag, Kaltag, Kasaan, Kasilof, King Island, King Salmon, Kivalina, Kobuk, Kodiak, Kokhanok, Koliganek, Kongiganak, Kotzebue, Koyuk, Koyukuk, Kwethluk, Kwigillingok, Lake Minchumina, Lake Clark, Levelock, Little Diomed Island, Manley Hot Springs, Manokotak, Marshall, McCarthy, McGrath, Mekoryuk, Mentasta Lake, Metlakatla, Moose Pass, Mountain Village, Nabesna, Naknek, Nelson Lagoon, Nenana, New Stuyahok, Newhalen, Newtok, Nightmute, Ninilchik, Nome, Nondalton, Noorvik, Northway, Nuiqsut, Nulato, Nunapitchuk, Nunivak Island, Ouzinkie, Paxson, Pedro Bay, Pitka's Point, Port Heiden, Port Alsworth, Port Graham, Port Lions, Quinhagak, Red Devil, Ruby, Russian Mission, Salcha, Sand Point, Savoonga, Scammon Bay, Selawik, Seward, Shageluk, Shaktoolik, Sheldon Point, Shishmaref, Shungnak, Skwentna, Slana, Sleetmute, Soldatna, Solomon, St. Mary's, St. Michael, Stony River, Sunshine, Talkeetna, Tatitlek, Tok, Toksook Bay, Tuluksak, Tuntutuliak, Unalakleet, Unalaska, Valdez, Wainwright, Wales, White Mountain, Willow, Wiseman, Wrangell, and Yakutat.

***** THE END *****

Alaska State Legislature

NOV -9 1988
mrg Jm
m r AVC

SENATOR KEN FANNING
P.O. BOX 80929
COLLEGE, ALASKA 99708



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

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

November 7, 1988

Senate

Dear Henry:

Last week I had John Manly of my staff mail out the enclosed letters and questionnaires to Alaska's guides and air taxi operators. I am forwarding copies of them to you so that you'll be aware of our actions.

We mailed out 374 letters to registered and master guides (list from Occupational Licensing), and 159 to air taxi operators (list obtained from the Department of Commerce and Economic Development of those who hold current certificates of compliance). As you can see by the letter, I made it clear that, while I am a member of the task force, and the information will be useful to the task force, the letter and questionnaire are from me, not from the task force.

I expect the information we glean from this survey will be of value to our efforts, and hope to have it available at the December meeting.

If you have any questions regarding the survey, please contact John Manly at 465-3880, as I will be hunting on Kodiak between the 9th and 15th. See you in Kenai.

Best regards,

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

Senator Ken Fanning

KF/jwm
enclosures

Alaska State Legislature

COPY

SENATOR KEN FANNING
P.O. BOX 80929
COLLEGE, ALASKA 99708



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

Senate

November 1, 1988

Dear Alaskan Air Taxi Operator:

As you may know, the Alaska Legislature last May passed a law amending the statutes pertaining to guides and the guiding industry. Part of that new law requires that, after June 30, 1989, any person who transports hunters to and from the field in an aircraft must hold a Part 135 air taxi certificate from the FAA.

As a member of the Task Force on Guiding and Game, also established by the guide bill last May, I am trying to determine how members of your industry feel about the possibility that a substantial number of new entrants will be created as a result of the bill. I am, therefore, sending the enclosed short questionnaire to all air taxis throughout the state. Please take a moment to fill it out, include any comments you think pertinent for the task force to know, and mail it back.

Thank you for your time. Your willingness to share your views with the task force are crucial to our success, and we appreciate it.

Best regards,

A handwritten signature in dark ink, appearing to read "Ken Fanning", written over a horizontal line.

Senator Ken Fanning

KF/jwm
enclosure

COPY

QUESTIONNAIRE

Regarding Part 135 Requirement for Guides

How do you anticipate the new law will effect the air taxi business in Alaska?

- ☐ There will be more business for established air taxis because more guides and "outfitters" will be using their services.
- ☐ There will be less business for established air taxis because more guides and "outfitters" will obtain their own certificates, and will then compete with existing businesses.
- ☐ The new law will have little effect on existing air taxis.

How do you think the new provision will effect Alaska's wildlife resources?

- ☐ It will be beneficial.
- ☐ It will be detrimental.
- ☐ It will have no significant effect.

Are you a member of the Alaska Air Carriers Association?

- ☐ Yes
- ☐ No

Any additional comments: _____

Thank you for your help. Please return the questionnaire to

Senator Ken Fanning
119 N. Cushman, Suite 213
Fairbanks, Alaska 99701

Alaska State Legislature

COPY

SENATOR KEN FANNING
P.O. BOX 80929
COLLEGE, ALASKA 99708



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

Senate

November 1, 1988

Dear Alaskan Guide:

As you may know, the Alaska Legislature last May passed a law amending the statutes pertaining to guides and the guiding industry. Part of that new law requires that, after June 30, 1989, any person (including licensed guides) who transports hunters to and from the field in an aircraft must hold a Part 135 air taxi certificate from the FAA.

As a member of the Task Force on Guiding and Game, also established by the guide bill last May, I am trying to determine how members of the guiding industry feel about the new requirement. I am, therefore, sending the enclosed short questionnaire to all licensed guides throughout the state. Please take a moment to fill it out, include any comments you think pertinent for the task force to know, and mail it back.

Thank you for your time. Your willingness to share your views with the task force are crucial to our success, and we appreciate it.

Best regards,

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

Senator Ken Fanning

KF/jwm
enclosure

QUESTIONNAIRE

COPY

Regarding Part 135 Requirement of Guides

Are you a _____ Master Guide
_____ Registered Guide

Do you currently fly hunters to and from the field, either personally, or through an assistant who is a licensed pilot?

_____ Yes

_____ No

If the law remains unchanged, and you are required to operate under a Part 135 air taxi certificate after next June 30, which of the following will you most likely do?

_____ Obtain a Part 135 certificate to operate as an air taxi

_____ Employ the services of an established air taxi

_____ Quit guiding

If you opt to pursue a Part 135 certificate, how much do you estimate it will cost to obtain?

Any additional comments: _____

Thank you for your help. Please return this questionnaire to

Senator Ken Fanning
119 N. Cushman, Suite 213
Fairbanks, Alaska 99701

#A



Official Business

Alaska State Legislature

VISITING SENATORS OFFICE

December 12, 1988

3111 C. Street
Anchorage, Alaska 99503

Dear Reader:

Senate Bill 191, which was passed by the Alaska Legislature last May, requires among other things that anyone who transports hunters to and from the field for compensation must, after June 30, 1988, hold a Part 135 air taxi certificate from the FAA.

The bill also established a task force on guiding and game to study the problems of guiding and outfitting. This group began meeting in earnest in the Fall.

In an effort to gather pertinent information for the use of the task force, but neither under the auspices nor at the direction of the task force, Senator Ken Fanning mailed these two questionnaires out in early November to 374 registered and master guides, and to 159 air taxi operators. Our purpose was to find out how those who will be most immediately impacted by the law feel about it.

The response to the survey was significant. The overwhelming majority of guides are opposed to the requirement, although many said they would comply and try to obtain a Part 135 certificate (extrapolating the numbers, this would indicate that at least 130 guides will apply to become air taxi operators).

The response from air taxi operators indicates that most do not believe either business or wildlife will be adversely impacted.

Inasmuch as a significant number of questionnaires have been received since compilation of the surveys began, this report is still in draft form. A final revision will follow.

(907) 561-7620

QUESTIONNAIRE

Regarding Part 135 Requirement of Guides

Are you a ☐ Master Guide
☐ Registered Guide

Do you currently fly hunters to and from the field, either personally, or through an assistant who is a licensed pilot?

☐ yes

☐ No

If the law remains unchanged, and you are required to operate under a Part 135 air taxi certificate after next June 30, which of the following will you most likely do?

☐ Obtain a Part 135 certificate to operate as an air taxi

☐ Employ the services of an established air taxi

☐ Quit guiding

If you opt to pursue a Part 135 certificate, how much do you estimate it will cost to obtain?

Any additional comments:

Thank you for your help. Please return this questionnaire to

Senator Ken Fanning
119 N. Cushman, Suite 213
Fairbanks, Alaska 99701

DRAFT

GUIDE QUESTIONNAIRE - SUMMARY

This questionnaire was mailed to 326 registered guides and 48 master guides on November 1, and as of this tabulation on December 1, 27 master guides and 107 registered guides had responded for a total of 134 or a response rate of 36%.

For purposes of this analysis, the respondents were divided into those who fly their clients and those who do not. Ninety-nine respondents said they do fly, and 34 said they do not.

Of the 99 guides who said they now fly their own clients, 36 said they would obtain a Part 135 certificate, or are now in the process of obtaining one. Another 10 guides said they would employ the services of an existing air taxi until they obtained their own certificate. Twenty-four guides said they would opt to employ an existing air taxi, while 14 said they would quit guiding. A total of 16 gave no response to this question, or gave another uncategorized response.

Estimates of how much it would cost to obtain a Part 135 certificate ranged from \$1000 to more than \$100,000. These responses are enumerated in the attached table.

Of the 35 guides who responded that they do not fly their own clients, the majority (25 guides, or 71%) said they would continue to employ an existing air taxi to do their flying for them. One respondent said he would employ an air taxi and try to obtain his own certificate, while 2 said they would quit guiding. Seven guides gave no response to the question.

None of the guides who do not fly their clients provided any estimates of how much it would cost to obtain an air taxi certificate.

A total of 47 respondents indicated they would try to obtain air taxi certificates, and many of those said they would use the certificate for purposes other than guiding, in order to defray the added costs associated with it. This would imply, if the sample is representative of the industry as a whole, that we could expect about 130 guides to apply for Part 135 certificates as a result of SB 191.

On the other hand, 24 of those guides who now fly their own clients said they would not opt to obtain their own certificate, but would instead employ the services of an existing air taxi. Again extrapolating, this would imply that we can expect about 67 new customers for air taxis.

A summary of the comments will be compiled for the final survey analysis. Judging from those comments, the overwhelming majority of guides responding to the questionnaire did not agree that the Part 135 provision of SB 191 was the right approach to solve the problem.

DRAFT

Table 1. Responses to guide questionnaire.

Master guides.....	27
Registered guides.....	107
Total.....	134

Do you fly?

Yes.....	99
No.....	35

Preferred options for those who fly

Obtain own certificate.....	36
Employ existing air taxi.....	24
Employ air taxi until certificated.....	10
Quit guiding.....	13
Other response to question.....	8
No response to question.....	8

Estimated cost of obtaining certificate

Less than \$5000.....	9
\$5000 - \$10,000.....	18
\$10,000 - \$20,000.....	8
\$20,000 - \$30,000.....	6
\$30,000 - \$50,000.....	1
More than \$50,000.....	7
Cost unknown.....	17
No response to question.....	32

Preferred options for those who don't fly

Obtain own certificate.....	0
Employ existing air taxi.....	25
Employ air taxi until certificated.....	1
Quit guiding.....	2
Other response to question.....	0
No response to question.....	7

Estimated cost of obtaining certificate

Other response to question.....	5
No response to question.....	30

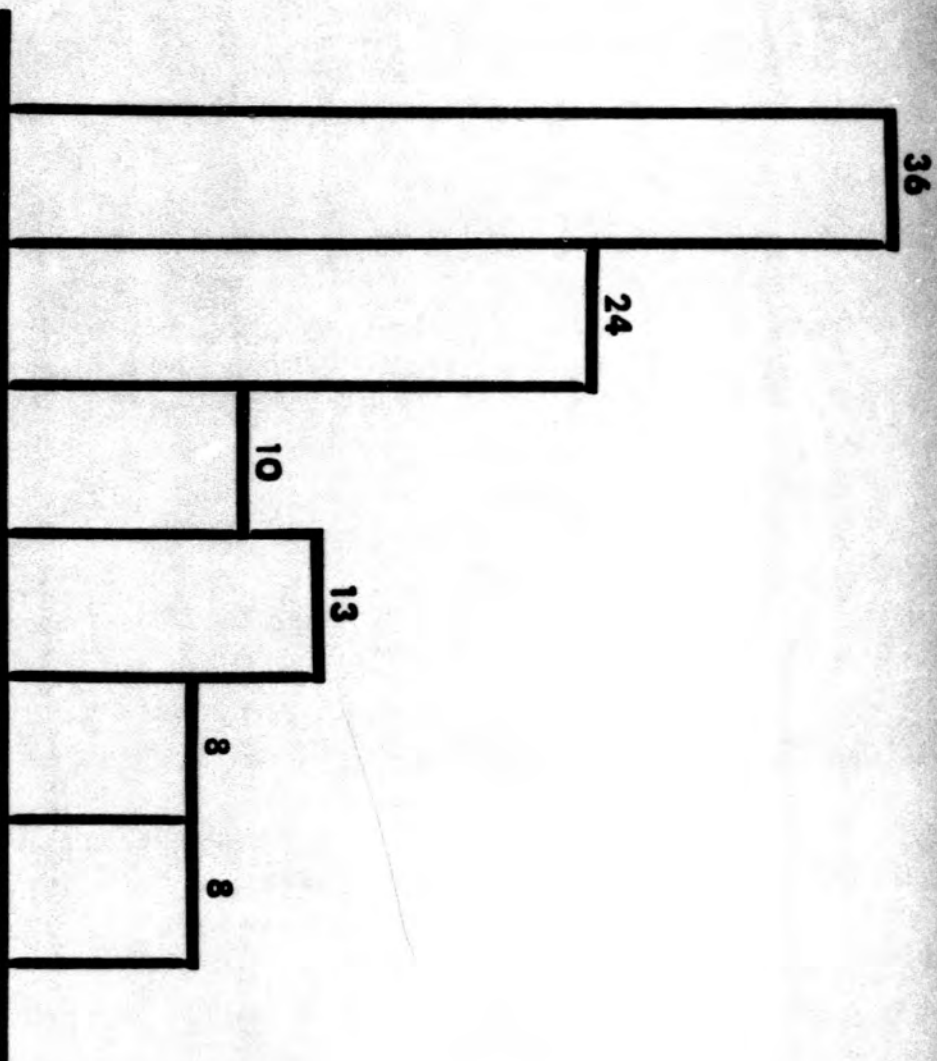


CHART 1A. RESPONSE OF GUIDES WHO FLY THEIR OWN CLIENTS EXPRESSED IN PERCENTAGES.

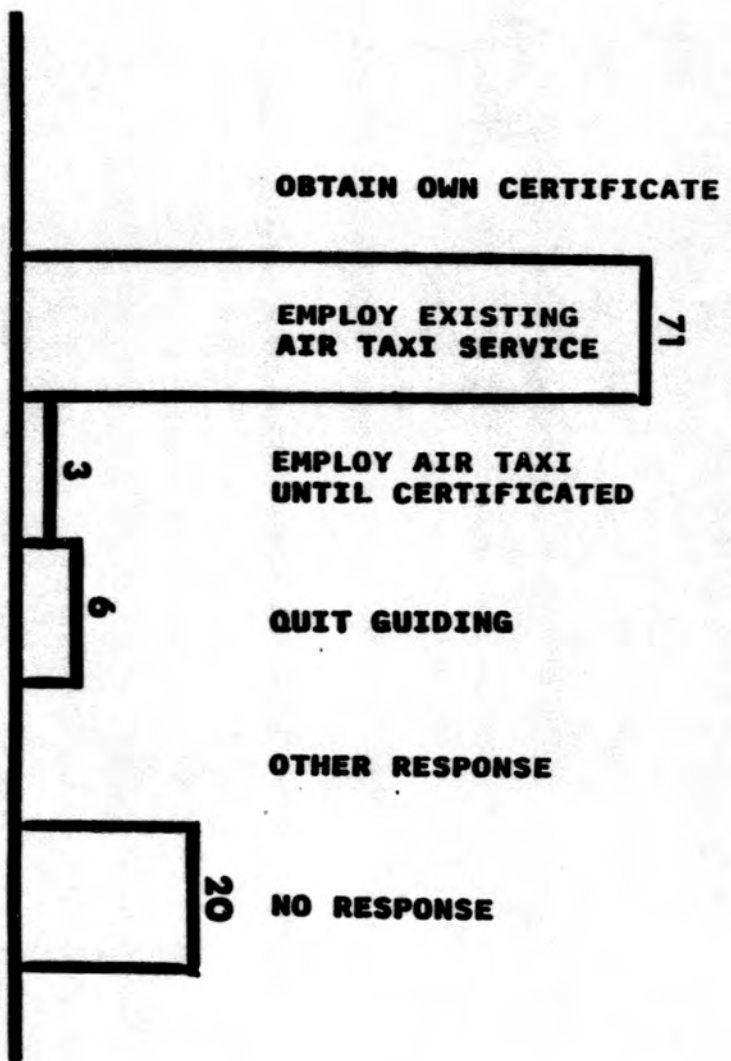


CHART 1B. RESPONSE OF GUIDES WHO DO NOT FLY THEIR OWN CLIENTS EXPRESSED IN PERCENTAGES.

VERBATIM COMMENTS FROM GUIDE QUESTIONNAIRE

- o -

If we only must fly our people through air taxis to our main camps, and from there I can still do my own flying, then no problem with the new law. If the new law requires us to have all the flying done with air taxis, then I must obtain a license and go from there. There is not hardly a taxi service in the state operating with supercubs in the areas that we land. I would be surprised if the FAA would take such a job over from the state. Personally the FAA or the state doesn't have the manpower or \$\$\$.

- o -

I would like to see this provision dropped for guides but not "outfitters" (under old definition of outfitter).

- o -

At this point in time any control over illegal guiding, harvest of game is crucial to the future of guiding in Alaska. I believe this new law to be a step in the right direction.

- o -

The law is a bad law and should be repealed. It doesn't make any sense unless all part 135 operators that haul meat and/or hunters are also required to be registered guides. This also is nonsense. Let's find a better way to solve the problem.

- o -

We have too many other problems to worry about keeping up with air taxi regs. For the last three or four years air taxis in our areas where we hunt do not provide the service we expect - like the air taxi for the 20 some years before these new high rollers took over (Cordova and Talkeetna) air taxi's should provide that service and guides should provide a guide service - doing both can't be done well.

- o -

Guides, whose primary function is to provide services in the field, should be allowed to operate under a section of FAA regs, which makes it lawful to transport persons so long as it's incidental to your primary business. Transporters (or those formerly known as outfitters) should be required to obtain a part 135.

- o -

I already am a licensed air taxi pilot and have been one for quite a few years.

- o -

I will hire an air taxi to fly hunters to and from my main camp or I will fly them there free. Once they are at my main camp, they are then "in" the field and I will fly them myself as needed. I think it's foolish to jump through hoops of a law when there is such a chance it may change by next year.

- o -

This law should not be permitted to become effective.

- o -

If I obtained a 135 I would do a lot of aerial site-seeing: fly fishermen, etc. However the constant "crisis" that the guide industry of Alaska is in is making me figure other ways to make a living. Being forced to get a "135" would be the final blow for me.

- o -

After original outlay for hearing lawyers' two year delay you can get by with one airplane for approx. \$10,000 per year insurance. Was forced to get 135 certificate 12 years ago in order to keep guiding.

- o -

Air taxis are unreliable and unsafe and shouldn't be allowed to fly hunters without a guide license and guide area.

- o -

Basic requirements are a commercial license and an instrument rating. I venture to say there are few Super Cubs in the state that can qualify under the FAA inspection. These would be grounded for weeks until the discrepancies (mostly paperwork) was rectified. A 135 requirement penalizes guides far more than it does outfitters -- many of whom are already air taxis. Get 135 requirements out of state statutes!

- o -

I held one of the oldest Part 135 certificates in the arctic and now my son holds it. After 70 you can't fly commercially so I can't fly the rough, tough, routes anymore; however, in our small guiding operation I am a top pilot and

really little flying is needed to take out our two or three clients. I can see no way nor reason why a guide should be an air taxi Part 135 no more than should a minister, a plumber, engineer or grocery store operator. The cost for me would be \$25,000 at least, and impossible for I'm 71 years now. The FAA already allow it!

- o -

This law should be for persons who provide transportation only "so called outfitters." Big guide operation according to FAA regulation does not require Part 135 since I do not charge for the flying portion. I move people or "hunting clients" by foot, horseback and airplane and the price is always the same. There is no charge for air transportation. This law is clearly contrary to fed aviation rule. This is the way most guides do it.

- o -

I am a 135 operator. I believe all guides who fly should be controlled. Now, pvt. students, are flying even with no license at all. If pilot fly without 135 and insurance they should be fined stiff hung.

- o -

It is beyond the reach of this guide and what little he makes from guiding. It looks as though this state and the federal government do not want any private enterprises and the Alaska Supreme Court just declared guide areas unconstitutional, the state requiring guides to be under part 135 certification, a 20 day moose season, BLM harassing people with off road vehicles and cabins, the Fish and Game not giving any caribou permits to guides or new resident hunters in Unit 13, and the subsistence hunting issue especially for people that don't need it. I've been guiding for 18 years and it looks like this will put an end to it.

- o -

I only transport my hunters during a fall hunt, not in spring hunts. But not always. I'm not in agreements on this law change. There are many guides using their air plane and none Part 135. We the guides don't need 135 to operate.

- o -

The areas I use in my guiding operation isn't handy enough to make air-taxis economical enough to use. Also the size of my operation won't allow me to hire a pilot who has an air-taxi. As long as the FAA says the way I operate is legal, I can't see why the state can supercede with this kind of requirement law.

- o -

I'm not real sure exactly what to do yet, because I haven't researched it yet. I do think the law sucks and I'm sure the air taxi's do too. We'll be in direct competition with them. I also think we can't run our operation relying on an air taxi and their schedule.

- o -

There have been many problems with Alaska flying, but guides licensed as private pilots is definitely not among them. Don't fix what ain't broke.

- o -

This law has no business being instated to make a guide have an air taxi license. That was not the intent. Maybe guides could be exempt but all other persons hauling hunters for pay need to have an air taxi license.

- o -

Currently hold a Part 135 cert.

- o -

I'm already a certificate holder so I don't have to worry about it.

- o -

I have had Part 135 and would not care to have it anymore. P.S. I started guiding in 1952 and there has been a lot of changes that aren't too good.

- o -

'89 season we would have to employ a licensed air taxi, would try to license by '90.

- o -

Because of additional cost I will be forced to operate in all of Alaska. As many months as business requires. Since guides do not have areas anymore I will have a lot of flexibility. (How much pressure on Wildlife)

- o -

Maybe the guides can now start giving the air taxi operators competition if they all have air taxi certificates. Also we may be able to hold our own against the outfitters. Also I will then have to start carrying fishermen and freight

and other passengers, get business during the rest of the year to justify the additional expense of having the Part 135 certificate.

- o -

I would use air taxi for a short while, eventually get my 135 requirement or not comply at all with the law. Doesn't seem smart for the state to make laws they cannot enforce. Would all trappers, fishing lodges, commercial herring fishermen be required to have this requirement? Is this unconstitutional?

- o -

Most guides said that they will go after the fly-in business the air taxis have now. Including me.

- o -

Shouldn't be required to have this certificate when I am only flying people who are using my guiding service. And the air taxis fly non-resident hunters for unguided hunts - why aren't they required to have a registered guide license if we need an air taxi license?

- o -

To cover the additional cost of an air taxi license, I will be forced to get into hauling additional clients and fishermen. I feel the Part 135 is just another for of harassment, that a few legislators got passed. The guiding industry does not need nor want to get into the air taxi business.

- o -

I don't have any major objections to the law as it is now.

- o -

Ridiculous!

- o -

I don't believe the state guiding regulations should have any direction whatsoever as to obtaining a federal FAA Part 135 certificate. The State should not use the FAA to regulate guiding concerns.

- o -

Operated under Part 135 for over 25 years, until 86. Had enough of Gov. B.S. will have air taxi fly hunters to main

camps. Will lease my planes from my corporation. Cancel all my insurance and bootleg my flying from main camps to spike camps.

- o -

I think it would cost even more than this figure because there are three of us that need instrument ratings at (\$4000) each then our cubs would have to pass FAA Inspection and then insurance for three cubs and we have a 206 we like to use sometimes we cannot and we will not quit guiding - this has been our lifestyle and the way we want to live and if we do have to apply to this law it will put a very bad hardship on all of us and our families.

- o -

Forcing over 400 guides to become air taxi operators will devastate our big game resources! Currently I operate in only a small part of the state, but if forced to operate Part 135 would expand my business statewide.

- o -

Will air taxi operators need registered guide licenses?

- o -

Currently we use air taxis for about 70% of our flying. If I need to get an air taxi license and insurance, it will force me to do some air taxi work to justify the extra expense.

- o -

I don't know what the cost of obtaining a Part 135 Certificate would be but know that it would be substantial. I would have no choice however, since I must fly my clients to, from and around my areas.

- o -

Requiring Registered and Master guides to have 135's is going to increase the number of air taxis by 200 and is going to have an adverse effect on game populations statewide.

- o -

I am not a commercial pilot so this makes me unable to participate in the aviation end of my business.

- o -

Cost is not the prohibitive factor for me - as I fly for an air taxi part-time anyhow. But - the federal paperwork, red tape and bureaucratic malarky that goes with the certificate itself is an unessential burden to put on guides. If safety is a factor - make a 135 check ride be mandatory - but holding a air taxi certificate is not necessary.

- o -

With the new FAA computer a single pilot operation manual is minimum of 50 pages, cost min. \$5,000.00 to max. \$10,000. It is a matter of the guides asking for state help and getting screwed once again.

- o -

In the areas of the state I operate the air taxis have been demonstratively unreliable. Most of the few air taxis in the areas do not have pilots with the skills which would make me feel comfortable about placing my clients in their planes, to execute single engine, high performance, short field operations. The couple of individuals who could possibly do the job are in business dumping off large volumes of hunters themselves. The ferry time involved for the air taxi, just to reach my base of operation, is 160 miles round trip. This has to be considered before the actual services of my outcamps begins. My use of air taxi would be absolutely cost prohibitive.

- o -

There is an ongoing effort to destroy the guide industry, I guess. I am adamantly opposed to any additional government requirements, over and above what FAA requires now. It's hard to believe (our???) legislature added the part 135 to the law, and it should be deleted in its entirety. Let FAA retain this responsibility.

- o -

I am not in favor of the part 135 reqt.

- o -

Part 135 insurance requirements will be expensive to buy - costs will go up. I am already flying part 135 for 40 mile air, so the change won't be as dramatic for me as it will for others.

- o -

My insurance for three seats in my Cessna 185 cost \$4,000 this year. 135 wants 300,000 per seat, not 100,000 which Park Service wants. The costs of 135 might be very prohibitive.

I also paid \$1500 for insurance to guide on Park and BLM lands. I pay use tax to North Slope Borough 3% and plus 3% on guiding in my 26-36 BLM land. The costs are getting very high with not much for me.

- o -

I feel it is absurd for any individual using a single engine aircraft to be required by law to hold a commercial instrument rating, not to mention a Part 135 Taxi certificate. Anyone familiar with FAA regulations clearly understands that it is against the law to fly in instrument conditions in a single engine aircraft. I feel that this portion of SB 191 would not uphold any safety standards. I do not want to be an air taxi operator. I am merely trying to run a guiding business and I see no correlation between the two.

- o -

Uncertain but the costs of 100 hours and a maintenance program would be great. If I must be Part 135 I will operate Part 135 and advertise my services and aggressively promote business with my otter, my helio courier.

- o -

FAA offices in the state are not prepared to license 400 new air taxi operator or even 50. Within the next 3 years. Let alone 1 year. It is an impossible task to complete and an unfair one to the existing air taxi operator in our state. This may be unconstitutional for a state to enforce a US Gov. Business?

- o -

The whole idea of a Part 135 Requirement is bad. As guides we have been restricted to using only parts of territories we are licensed for (I was licensed in 1972 for GMU's 6 - 26) now we get this new requirement - read that as a restriction!

- o -

It won't work. Air taxi regs require "hold yourself out to provide public transportation." -- year round. Guiding is very seasonal. Few if any reg. guides have the operating base or administrative staff to comply. The present gestapo tactics of the FAA is shutting down grandfather taxis who have been in business 40 years. I can think of no quicker way of killing this tourist income when a guide needs transportation. Most of the air taxis are choked too. I've known many of the old guides of the 40's and 50's who were so disadvantaged when the post war airborne guides came into their own, that they were forced into learning to fly or quit - most quit.

Requiring Part 135 Cert. is an unreasonable demand, and I'll bet the FAA would concur. If the goal is "safety", this is not the road to it. If the guides are forced into a sporadic air taxi business, we'll go broke. You cannot hire sharp experienced (safe) pilots for 3 months per year, so the same guide/pilots will still be there with just a bigger overhead/-bureaucratic burden, etc.

- o -

I will be purchasing another super cub and if it can be able to pass 135 inspection relatively easy and would consider getting a 135 and then be forced into using it in the off season and charter (bush) operation.

- o -

A guide owes his clients the safest means of air transportation that's available. This includes trained professional pilots, highly maintained equipment and liability protection.

- o -

If I wanted that line of work I would have already done that. Federal Aviation Regulations Section 61.118(a) doesn't require you to operate under Section 135 if only "incidental air transportation" is provided. This is true for our operation. In our hunting operation we use, as do most, air taxi services to bring our hunters into camp. This year we employed Gakona Air, Armstrong Air, Peninsula Airways, Manokotak Air and Yute Air Alaska for this service. We also have a Super Cub to use to haul freight, meat and sometimes clients to certain spike camps. As an example, the area we hunt in the Wrangells we charge one price for the hunt. It doesn't matter if we use our horses, backpack or the Super Cub or all of these modes, it is still the same price. This season we flew the cub 200 hours. Only 15 hours were used to move clients to spike camps. To become an air taxi service for these 15 hours is not practical or fair. However, to have a successful guide business we do need to use the Super Cub. I request you recommend that this requirement be deleted.

- o -

Too many laws. A man can't operate legally and make any money.

- o -

I will try and license at least one of my 3 pilots. I really don't know if we could afford to do any of this. This may be the final bucket of shit the bureaucrats have thrown on me to make it to where our guiding business can't breathe

anymore. Maybe we should all go back and be illegal - seems that's what they want. Does anyone in our law making system think he or she could survive these costs in business? Another problem to note after talking to alot of our air taxis. The air taxi is a separata industry from the guiding. They, the air taxi, does not want us to go under part 135 because if we have to absorbe a cost such as \$74,000 then at that time I will be a part time guide and a big time air taxi. This will do 2 things - it will crush the old time air taxi's industry and it will deplete the animal population by great numbers. Same goes if there's not guide areas. Let's be conservative - or let's go kill! Please note - Senator Fanning and Legislators - I am a very conservative taker of fish and wildlife and call myself a farmer of the wildlife of the state of Alaska. We have farmed our guide areas to keep the animal populations up and pride myself as being part of the guiding industry.

Now with being faced with having no guide areas and with having the outfitters with dam near all the rights of a guide - but not quite - just more volume of hunters and now with the part 135 air taxi put on us I think to myself - who gives a dam about the wildlife anymore! Should I get a 135 and drop off 250 hunters a year and without guide areas should I go buy 60 more head of horses which would make me 90 and hit area after area and leave the forest behind me burnt - just like Grant took Richmond - and should I outfit 100 hunters a year along with the 250 drop offs and then run maybe 30 good ol' guided fair chase hunts for a sideline? I can do all of these things, believe me. And if forced to do so I will. This is what our people making laws has did to a farmer of wildlife. Again, this is the last thing in the world I want to do! The only ones to suffer is our wildlife! Please tell us this is not what our laws and bill makes want of us.

- o -

The reason I started flying 5 yrs ago was because none of the air taxis down here had a super cub. I couldn't get any of them to do the flying for me. You can't land a 206 on a gravel bar. There is still nobody here with a super cub. This law is contrary to FAA regulations and will cause some real problems for all the guides. There is not many air taxi outfits that have super cubs but just about all the guides do. Insurance on a super cub is cost prohibitive, so the air taxis can't afford it. Most guides work without it and face the risk. Most of the state is impossible to hunt without a cub.

- o -

This law creates more problems than it solves.

- o -

If this law must be then at least exempt 2 place planes. Then the air taxis would get the business of transporting the large numbers of hunter while the guides could still do the short flights to short strips with the super cubs. This would work fine for me but probably not for some outfits. Still with this exemption most guides could live with it. At least it may cut out a few of these nonresident outfitters.

- o -

This was attempted by the FAA in the 60's and dropped as unneeded and not workable. Incidental transportation adequately addresses the situation.

- o -

Aircraft transportation is an incidental part of the guided hunters hunt. There is no reasonable reason for this unfair requirement. Unless we charge for air transportation we shouldn't have to meet this requirement.

- o -

Air taxis will not land where we land. We would be required to be instr. rated which is no good in a single engine airplane & we have no nav. aids where we are. If we have to 135's I will be competing with air taxi's all ready established. Insurance will force me to raise my prices. Hunters will go to Canada & guiding profession will go to Hell & about 2500 people will be out of work. FAA says we should be part 91 because we are not charging for the flying - only the hunt. Evidently the dummies in Juneau know more about everything than the experts. We use an air taxi and a scheduled airlines to get people into camp. If the air taxi is going to be late & cause the hunters to miss their airline - we will take the hunter into the village at no cost. We use our planes to go from base camps out to spike camps. After the hunter is done hunting we may take them to the beach for a couple of hours of beachcombing or to the village where they can make a phone call if need be. They are not charged for any of this flying as we consider it a courtesy. The nearest air taxi to us is 270 miles in King Salmon. The cost of having an air taxi come to camp and take a hunter 11 miles to the beach for beachcombing would be approximately \$520.00.

- o -

Enforcing this law will destroy the guiding industry in Alaska. Prices will skyrocket and the FAA will be overwhelmed by maintaining the hundreds of new part 135 operators.

- o -

Will increase operating costs & these additional costs will be passed onto the hunter.

- o -

Life long guide and Alaskan raised in hunting business, air taxi for 15 yrs but let it go 2 yrs ago. Held a Class A lic (Req 20 yrs exp) til reg guide lic. Air taxi req com'l lic-inst. only 200+ hrs!! I hold com'l ses-sel inst w/6000+ bush hrs all accident free, own 4 planes, am A & P mech. No air taxi avail. w/equip or communications in my area. All phases of hunt inc. transp. are and should be considered part of hunt and guide activity!! Next you will require we become lic trucking co to haul a p/u load of trash to the dump!! Comm'l hunting should be reserved for prof. reg. guides. This is just one more case of guides asking for legislative help and getting shafted. We cleaned up our industry on a promise of support - Where the Hell is it!! (You are encouraging bandit guides!!)

- o -

Due to the health and instrument rating required it would be virtually impossible for anyone in my family to acquire the license required to become a qualified 135 pilot. The insurance it requires would be prohibitive for any small operation.

- o -

Air taxi's cannot provide efficient services between spike camps or in most cases unqualified for rough terrain operations.

- o -

Just the state min. lib. insurance for a cub PA 18 with 1 passenger seat, wheels, floats and skis \$3250 per yr. Sir: The guides brought this upon themselves (fighting with the outfitters) I say let them comply or hire an air taxi. I would think that flying fishermen as a fish guide should require the same thing. I think there may be problems getting FAA to take it very serious. We have had an air taxi for years. If we were suddenly faced with all that is required by FAA for part 135 we would throw up our hands. I seriously doubt one in 25 guides will go for the part 135. I think it is unconstitutional. I have been in the guiding profession for many years (1960). I feel that the system we had from 1960 to 1977 when the new concept was born, was a fair system, it worked for 17 years. No game became on the endangered list during this time period. It was never declared unconstitutional. So lets go back to it. The state is divided into 5 areas and you qualify by tests for each unit. This way if one wishes they can qualify for the whole state. New guides can go guiding and everyone is happy. Harvet can be controled by

seasons and bag limits. If too many guides over harvest an area then they lose! Cut their own throats, so to speak. Nothing says that our game will provided a full time job for anyone. Maybe we will have a lot of part time guides. I've always felt that the game belongs to everyone.

- o -

I already started my paperwork to obtain a part 135 certificate. I already had most of the requirements and I have picked up some additional flying. It was my understanding that it would be required this year so I took steps to comply with the new part 135 requirement. I think if we take that part out now it will be a disservice to the guides who try to keep up with all of the latest rules and regulation of their profession. But if most of the guides want to continue to operate under part 91 that wouldn't bother me. I will probably get my certificate anyway. But my point is that we have to start making laws that are right the first time or ones that will stand up to the pressure from the people who would challenge it later. As far as how much it would cost, if it is a single pilot in command operation, it is not that restrictive. All it will cost me is getting 100 hour inspections, because I already had insurance. It's just a lot of paperwork and inspection, check rides and so on.

- o -

Not only would it cost too much to hire an air taxi, they would not be there when we need them. In case of injury we need an aircraft in camp.

- o -

I would employ air taxi until I got a certificate. I don't like this change. I see air taxi operators flying in weather that I wouldn't. If a number of us guides get air taxi certificates would then be forced to compete for volume all year long, putting air taxis out of business. I don't see this law cutting down on most present outfitters that drop off hunters.

- o -

The last time this issue came up (late 50s, early 60s) the certificates were grandfathered in if requested, but it was recommended to not get air taxi certificated unless actually hauling for hire. How come the major change. Sounds like the air taxi operators finally got to us!

- o -

All three above will put me out of business.

- o -

What a dumb law!

- o -

To stay IFR current or fly IFR with a cub in the mountains is crazy - Also - adding instruments to fly IFR defeats the performance (weight added) that we depend upon.

- o -

Presently there exists too many unnecessary guide statutes & regulations which restrict, increase operational costs, and discourage guiding, some of which the Guide Licensing & Control Board does not consistently comply with, others of questionable constitutionality.

- o -

Between the guide areas being throughn out, Outfitters over running the country and now this deal, it looks like "their" trying to put us out of business. It's always been a tough business, but with added expenses there's not going to be any profit, especially in the Northern part of the state where distances are travelled in hours of flying time per hunt. For us who live here she looks grim.

- o -

*135 capable aircraft, 135 pilots, base of operations. Increase operational expense necessitating increase of prices to point would be out of business in one year. If prices weren't increased, you'd be broke anyway!

- o -

If I should get an air taxi certificate I would be tempted to use it in the off season. I'm sure others will too, which will cut into the established air taxi business. One guide told me he will not get a certificate, but plans to cheat!

- o -

Just another ploy to get rid of guides!

- o -

I don't want to become a 135 air taxi! It's time to move to Red China! Merry Christmas - Good Luck.

- o -

Guiding accounts for most of my income, so quitting is not likely. It is not possible, certainly not practical, but I believe not possible for me to hire an air taxi for the location and type of flying I do. They are not available, especially during the busy hunting season. I would be forced to obtain a 135 certificate. Then I would be forced to work the air taxi business myself during the rest of the year to try and recover the additional expense, which would be difficult with all the other former guides and existing air taxis all competing for off season business. Who's idea was this anyway?

- o -

I think the part 135 requirement is more of a threat to guiding than the recent Supreme Court decision on EGA. It will be impossible for most guides to meet this requirement, will do little or nothing for safety & will place an unbelievable paperwork burden on guides.

- o -

If all the guides within a 40 mile radius of me became air taxis, there will be 8 or 9. I don't believe the additional cost of air taxis can be absorbed by the hunting industry. Would FAA even allow this many more? I think a study needs to be done surveying the air safety record of guides (vs) air taxi, with guides who are also air taxis included in the latter category. Most guides fly the same airplane all the time & are very familiar with their strips, something a part 135 operator would have to learn even as they carry passengers. The cost of hunting in Alaska is too high already compared to the Yukon. These new rules only increase this difference. Note: Anyone who guides within the NPS already must carry liability insurance.

- o -

If I am forced to obtain an air taxi and the required insurance I will be forced to increase my annual receipts i.e. the taking of game from approximately 25 hunters per year, to approximately 200 hunters per year including drop offs as well as guided - anything for a buck. This requirement will devastate the resource and is not in the best interest of the state of Alaska, existing air taxis or the guiding industry.

- o -

It seems to me that the idea in question will create more pressure on the resource, not less. I chose to be a guide for a living, not an air taxi. I don't think I could operate under Part 135 unless I did become an air taxi, which means I would have to do a lot of drop off hunts. I don't want to be an air taxi, I want to be a guide.

I will probably quit guiding if this law stands. I understand there are some people that are going to fight this req. as it supposedly violates a federal law? I don't know. I do know I can't operate under Part 135 as a guide and I can't afford to hire air taxis.

I have a big question that really angers me. Why did I get this questionnaire from the task force asking one question when one of my associates in the bush got one asking some really pertinent questions about the guiding industry? It would appear that if your address is in the bush your opinion is more important than if it is in Anchorage.

- o -

Due to the landing conditions at some of my camps an air taxi would be violating part 135 of Civil Air Regulations.

- o -

I have always employed air taxis in the past. I don't fly - so this does not really affect me.

- o -

I think it is high time to have some sort of control over the unethical actions by a few guides who are using aircraft not only for transporting their clients but for scouting game for their hunters and also at times harassing game to direct animals to their clients. The possibility of having their air taxi certificate revoked may make them pause before continuing these actions. This type of action is totally out of control in all areas of Alaska and is a disgraceful practice by only a few unethical guides.

- o -

Due to the recent Supreme Court decision regarding the constitutionality of guide areas, it seems to me the task force should not standardize the commercial hunting industry and require a registered guide's license for anyone involved in assisting any other person for the purposes of pursuing or taking big game animals on a hunt.

- o -

Task force should recommend any activities involving one person assisting another in hunting should require that person have a registered guide license. Recent Supreme Court decision makes moot any argument unlicensed individuals may have had previously against such a requirement.

- o -

I couldn't see my way to do anything else.

- o -

I am not actively guiding so does not affect me personally; however, I would like to see the continuation of flying as incidental to the act of guiding. The effects of requiring guides to get an air taxi license may influence some to continue air taxi operations beyond the hunting season and thus adversely affecting existing air taxi operators as well. For every action, there's a reaction. Leave well enough alone.

- o -

This may stop some of the illegal operators if there were four times the number of protection officers to enforce it. 57 P.O.s for the entire state and most of them behind desks bodes bad times ahead for the game. What good is a law if it can't be enforced.

- o -

The state should not be in the business of enforcing federal regulations. Flying is incidental to guiding; it is not incidental to "transporting!"

- o -

With the recent ruling invalidating guide areas, this requirement may be one way at throttling guide pressure - the large volume operators can obtain a part 135 certificate and those not choosing to do so will be limited in the volume of business by their dependence on air taxis, thereby decreasing pressure on the resource.

- o -

Would like to see the part 135 requirement repealed. I would primarily use an air taxi regardless if I was required to or not, but would like the option of flying clients in situations where an air taxi was unavailable arose.

- o -

Yakutat is about the only place in Southeast planes are used by the guides. One in Haines. Unit 4 is all boats, I believe.

- o -

Using an air taxi service might eliminate some of the illegal game hunting and other illegal practices. I'm all in favor of this part 135 air taxi certificate. I always have employed the services of an established air taxi and believe it to be much safer.

- o -

Southeastern Alaska guides use boats, and sometimes the services of established air taxis.

- o -

I would like to use the services of a pilot. But I don't feel I should have to get a part 135 certificate.

- o -

Would a person (guide) now not be able to transport hunters between his camps? If in fact it is true one cannot transport his own hunters between camps then every effort must be made to amend the statute to allow a guide to transport hunters between camps without part 135.

- o -

The new law requiring anyone transporting hunters to and from the field to have an air taxi certificate is a good one. Not only will it increase the safety factor in commercial hunting, but it should impact the unlicensed "outfitter" with his own plane more adversely than the licensed guide.

- o -

In the future this could affect me, but right now it doesn't. Personally I feel this is some very bad legislation - just more paper work and B.S.

- o -

I certainly like to see guides obtain a part 135 certificate but those who do not fly perhaps they should employ the services of an air taxi as long as they are certified to fly passengers. Again, air taxi operators have been problems to when they became guides when no one is watching.

- o -

I hunt by horseback. But if they had to get a Part 135 certificate and file a flight plan and enforce the flight plan it would help to stop the spotting of game. But the taxi would flood the country with hunters anyway.

- o -

I don't own an aircraft nor am I a pilot.

- o -

Only use charter aircraft so ruling will not affect me.

- o -

From my experience I don't feel making guides conform with Part 135 would be beneficial. The cost of operating for a lot of smaller guiding operations would greatly increase.

- o -

I do not fly my own plane therefore Part 135 does not affect me at the present. I personally do not agree with the requirements as most guides fly only seasonal, not year round. And it would probably be more costly for everyone.

- o -

I have always used air taxi services and will continue to do so in light of the new law.

- o -

I no longer use my own aircraft as there are commercial stops right at camp.

- o -

I think this is a good law and should be extended to all guides: fishing, etc. It regulates flying guides to the same standards as required by air taxi operators. This requirement should have the benefit of added client flying safety.

- o -

Not being in business myself, I haven't been doing much flying while guiding as I'm usually hunting, but I'm very much opposed to the laws. There are times when I've had to fly a client into town or out to camp and (1) the cost of obtaining a 135 certificate is beyond me and (2) I feel guiding should not be considered a 135 operation.

- o -

QUESTIONNAIRE

Regarding Part 135 Requirement for Guides

How do you anticipate the new law will effect the air taxi business in Alaska?

- ☐ There will be more business for established air taxis because more guides and "outfitters" will be using their services.
- ☐ There will be less business for established air taxis because more guides and "outfitters" will obtain their own certificates, and will then compete with existing businesses.
- ☐ The new law will have little effect on existing air taxis.

How do you think the new provision will effect Alaska's wildlife resources?

- ☐ It will be beneficial.
- ☐ It will be detrimental.
- ☐ It will have no significant effect.

Are you a member of the Alaska Air Carriers Association?

- ☐ Yes
- ☐ No

Any additional comments: _____

Thank you for your help. Please return the questionnaire to

Senator Ken Fanning
119 N. Cushman, Suite 213
Fairbanks, Alaska 99701

AIR TAXI QUESTIONNAIRE - SUMMARY

DRAFT

This questionnaire was mailed to 159 air taxi operators on November 2, from a list of those air carriers who hold current ADCED certificates of compliance. Surveys were not sent to major airlines or to helicopter businesses, as they do not fly hunters to and from the field. As of this tabulation on December 5, a total of 62 responses had been received, for a rate of return of 39%.

For purposes of this analysis, the responses were divided into those who indicated they were members of the Alaska Air Carriers Association (30 respondents), and those who did not (31 respondents). One respondent did not indicate whether he was a member or not.

Of those who said they were members of the AACA, nine thought the new provision in SB 191 would create more business for existing air taxis, while five thought it would create less. Eleven AACA members thought the law would have little effect on business, and another five gave some other response, usually a combination of two of the above answers.

Of those who were not members, eight thought there would be more business, eleven thought there would be less, and ten saw the law as having little effect on business. One gave no response, and one gave another, unquantifiable response.

Regarding what effect the new law would have on the resources, the majority of both members and nonmembers do not think there will be a significant impact. Eight AACA members see the new law as beneficial, two said it would be detrimental, and 13 thought it would have no significant impact. Two gave responses for which there was no category.

Of non-AACA members, four thought the law would be beneficial to wildlife, seven thought it would be detrimental, and 19 saw no significant impact. One other gave no response to the question.

The respondent who did not indicate whether or not he was an AACA member thought there would be more business, and that the law would be beneficial to wildlife.

Although our analysis of this survey is in the preliminary stages, it would seem to indicate that those who are not members of the air carriers association are generally less optimistic about the effects the law will have on both business and wildlife than are those who are members of the AACA.

A summary of the comments will be compiled for the final survey analysis. Many respondents in their comments did not feel that SB 191 was the proper approach to solve the problems air taxis are having with unlicensed carriers offering services for hire, and that a broader approach should have been taken.

DRAFT

Table 2. Responses to air taxi questionnaire

AACA members.....	30
Not AACA members.....	31
No response to question.....	1
Total.....	62

Effect on Business

AACA members responses

More business.....	9
Less business.....	5
Little effect on business.....	11
No response.....	0
Other responses.....	5

Not AACA members

More business.....	8
Less business.....	11
Little effect on business.....	10
No response.....	1
Other responses.....	1

Effect on wildlife

AACA members responses

Beneficial.....	8
Detrimental.....	2
No significant effect.....	13
No response.....	0
Other responses.....	2

Not AACA members

Beneficial.....	4
Detrimental.....	9
No significant effect.....	19
No response.....	1
Other responses.....	0

Respondent who did not indicate AACA relationship

Effect on business = more

Effect on wildlife = beneficial

Totals

Effect on business

More.....	18
Less.....	16
Little Effect.....	21
No response to question.....	1
Other responses.....	6

Effect on Wildlife

Beneficial.....	13
Detrimental.....	9
No Significant effect.....	32
No response.....	1
Other responses.....	2

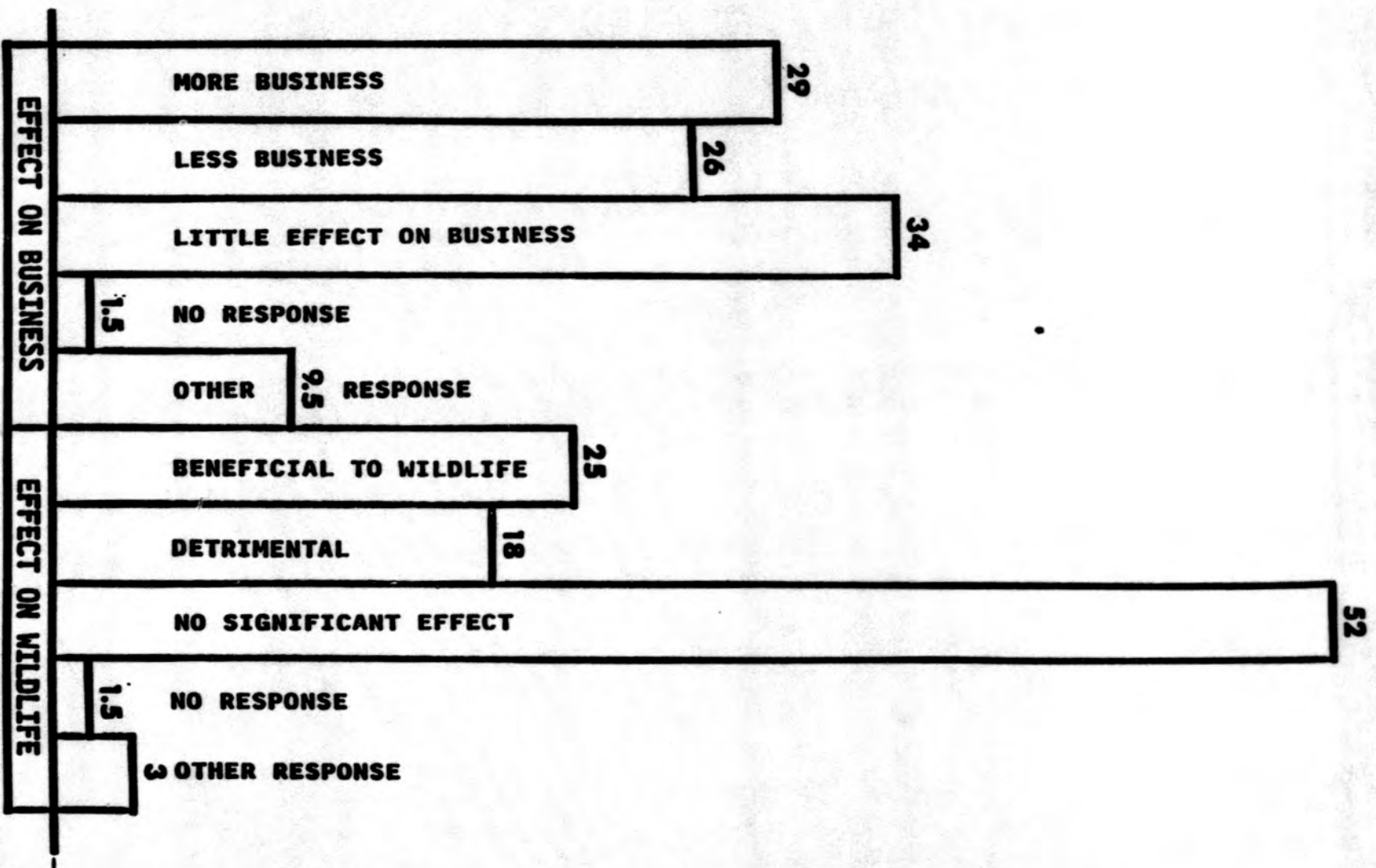


CHART 2. RESPONSE OF AIR TAXIS IN PERCENTAGES.

VERBATIM COMMENTS FROM AIR TAXI QUESTIONNAIRES

- o -

Further, the outfitters and guides will be required to maintain and comply with the minimum safety, training, maintenance and insurance requirements they should have been complying with all along. It should improve air operations in light aircraft throughout Alaska. It's a good idea to have all commercial air operations covered under Part 135. If this (less business for established air taxis) happens that's the free market system which is good. If existing air taxis can't retain their clients then maybe they're doing something wrong or the new entrants are providing a better service which is good for all concerned.

- o -

The traveling public will be safer operating this type of business as an air taxi. There is a chance of additional competition from these outfits; however, the aviation public safety is the primary concern, all competition aside. Please include someone from the AK Air Carriers Association on your task force.

- o -

#2 (there will be more business for established air taxis) has some merit and to some degree will create more 135 operators. However, in the interest of safety anyone in the business of transporting passengers should be a qualified air taxi service, governed by the same safety regulations.

- o -

It will have "little effect" (on existing air taxis) because some guides will increase their use of legitimate air taxis and some guides will increase competition with existing air taxis.

- o -

It would have helped if you would have sent a copy of the law. I think the public should be protected by the insurance requirements required by air taxis.

- o -

This may alter the overloading of small aircraft - this may decrease the wildlife kill. I think Alaska has now more hunters than the country can support.

- o -

None at this time, but glad to see this new law, in force!!

- o -

I feel that if an outfitter or a guide uses an aircraft to move a client from one point to another for the purpose of guiding or making \$ then aircraft used should fall under 135 cert. and the pax should be covered by the same rules and regs. as any other air carriers. Also they should have to have the same insurance minimums. our system is self limiting, it shouldn't hurt the game or air taxi.

- o -

I don't think it will make much difference because the "outlaws" will continue being "outlaws".

- o -

There may be more business, but I imagine some will get their own certificate. It will be much fairer because it may eliminate those "outfitters" who are doing it as a side line, for the fun of it and are not required the expensive insurance we have and other expenses we endure because of being regulated by the FAA. It will also make it safer for the public.

- o -

This is good in theory. It could backfire however, and cause an excessive work load for FAA hurting some of the established air carriers. I really believe the less government involvement the better.

- o -

You just made outlaws out of a lot of good people. No one can handle the new FAA and be legal. So we are just set back 20 years.

- o -

I suggest that law require air taxi except by a guide transporting into his guide area (if reestablished guide areas). The problem is people trying to get in the act that are neither guides nor air taxis. They set themselves up as "outfitters" and avoid the need for air taxi cert. by saying they are using transportation as part of package deal and are therefore operating under FAR Part 91 not 135. They say they are not remaining on the ground and guiding so don't need a guide license. Their ploy is to say we offer gear and transportation as a package deal. They cut in to the business of both guides and air taxis who have to go through complex licensing procedures. They avoid air taxi regulation, this compromises safety. They avoid guide licensing, this is bad

for game management. Your legislator should target these guys, not legitimate guides who are legally guiding. Make the outfitters use an air taxi.

- o -

If the state can discriminate between hunting and guides and outfitters, then what do you plan to do about fishing guides and outfitters. Is the FAA going to give 135 air taxi certificates to every existing part 91 operator or are they going to get tough and make everyone who wishes to fly an aircraft in pursuit of fish and game get the necessary insurance, equipment and certificates to provide safe quality transportation. Who is going to enforce those that snub their noses at the law. There are many part 91 operators in this state who openly defy the concept of part 91 versus part 135 regulations now. What is going to change? Who is going to enforce it? There are many operators who both fish and hunt. How can there be discrimination between transportation in aircraft for hunting versus fishing?

- o -

With the stringent FAA scrutiny, the ADF&G laws will look scrawny by comparison. I do not feel that the requirement for a guide to hold a air taxi certificate is necessary or fair, since his primary business is not a taxi service, but incidental to the hunt. Same goes for fishing lodges, etc.

- o -

Obtaining and maintaining an air taxi certificate is both expensive and time consuming. The guides don't need this added burden. This bill will add unnecessary regulations on an already over-regulated industry. What we need is less gov't - otherwise we BUSH pilots would have voted for Michael Dukakis. Keep Alaska practical. If we want more regulations we'll move to California or New York. If whoever made this regulation won't repeal it - send them to California or New York. Thank you for your interest.

- o -

Deregulation is in place. Any guide today could have a Part 135 certificate, all he has to do is apply. You are missing a very key issue and that is safety of the traveller, i.e. guide clients. You would not find one operator that would like to double or triple his competition but that is not the issue and should not be a concern of this committee or task force. You got your committee members put on the task force and I wonder what is crucial, and success at what? Protecting Guides. Maybe they too should be deregulated. The air taxi industry is not an industry is not an issue assigned to this task force. Stay with the issue.

- o -

The average guide or outfitter will find that there is no way of affording an air taxi license with the amount of people they deal with. Insurance costs, maintenance costs, and regulations will not make it easy. It took me one year to obtain my license back in 83. The FAA is very busy up here. I have to schedule my check rides months in advance and even then I sometimes have to fly up to Anchorage to get these done. I don't feel their present system could handle more air taxis. Somebody better look into this a little farther. There is much more involved in being an air taxi than just holding the certificate.

- o -

It is extremely difficult to predict what currently non-certificated transporters will do under the new laws. We do not feel that most of them will undertake the great expense and overhead costs of fully complying with the part 135 regulations. After a few years there will only be, at most, a few more 135 operators than there are currently. And we feel that the marketplace should determine whether or not those operators wish to continue to fly under the requirements of part 135. Part 135 is designed to protect the flying public.

- o -

Our type of charter (twin engine and a prop-jet and pure jet) is used primarily by CEO-mgmt level personnel for business type flights. We do on occasion transport hunters to remote hub areas such as King Salmon, McGrath, etc. where they connect with their guides in smaller aircraft. I think many guides will hang up their airplanes when they see the amount of paperwork and regulations involved in starting a 135 operation. I'm not sure who pushed this regulation but it does not seem that the guides involved in flying clients for hunting or fishing are involved in a noticeable number of accidents. The FAA seems short on inspectors now but they will certainly have a lot more work to do enforcing this regulation on guides.

- o -

This law will cut down on the accidents by putting FAA controls on the guide bush pilots.

- o -

Alaskan guides have everything sewed up right now. Outfitters should not be restricted as they are now.

- o -

It may make the transporting of hunters safer.

- o -

I believe this will be a fair law. It seems right that all air taxis, outfitters and guides transporting the same kind of people should all meet the same law requirements.

- o -

The biggest problem will be enforcement at existing 135 rules on these new operators. All these other aircraft will now have to play by the same rules we are.

- o -

It will enhance Fish and Game's ability to enforce regs, and rid the Guide Ranks of those who violate with P/C. They simply jerk their 135 cert.

- o -

Over the years many guides have acted as "air taxis" by "dropping off" their clients to hunt on their own. This law will finally make them become legal.

- o -

I feel the new law is fair and overdue. I feel that anyone flying for hire, regardless of how the charges are disguised should be subject to the same costs, and regulations that apply to all air taxis for the safety of the flying public.

- o -

The new law may not affect the wildlife, but it will certainly have a detrimental impact on the income of air taxi operators. At present, air taxis garner a certain percentage of their income from the transport of guides and their clients. Once each guide becomes a part 135 operator, not only will established air taxis lose this income, but you will have a group of basically untrained part 135 operators whose main concern is hunting and guiding and not the operation of a professional flying operation.

- o -

The requirement - All Guides and outfitters must have a 135 cert - in my estimation would be an unenforceable law.

- o -

More "outfitters" who don't want to perform under guide statues or laws will obtain air taxi certificates to conduct hunting activities.

- o -

There's still a lot of people who operate for hire (hunting-fishing-charters-anything basically) that are not certified and can afford to undercut those of us who spend a lot of money on insurance, maintenance, etc. These people will not go away with any new law. They are still going to be there because people seek them out so that they can go as "cheap" as possible. The local Alaskan hunters are in this group too. The non-residents would probably be more likely to utilize a cert. air taxi unless they had contacts that knew one of these "under the table" operators. Money seems to dictate over safety. Air taxi licenses aren't that difficult to obtain (financially) and therefore we believe that the guides will follow through on this route. If this is what the legislature has decided, then perhaps it's time to give the air taxis a break on the ultra-restrictive guiding business so that it's more fair all the way around. These are our personal opinions. P.S. By this, I mean - allow some areas and animals to be opened up to air taxis - or anyone for that matter, to hunt without having a guide.

- o -

I have long questioned in my mind how guides, etc. could carry on air commerce in such a way without being required to comply with safety regs like the rest of us. On the flip side - I do hate to see more government involvement. A full-fledged air taxi operation is so time intensive - in our area - that I don't believe many guides will want to get heavily involved outside their normal needs/uses. I don't know what insurance costs guides/outfitters have been hit with, but part 135 is expensive. This may cause some "new" operators to enter the field to try and offset some additional expenses.

- o -

In summary:

1) In Southeast Alaska - don't believe more 135 operators will find much pie left to the "occasional charter" market.

2) Am all for all of us being accountable to the same operations and maintenance safety stipulations - and those, however, that are realistic for Alaska.

P.S. I run a one plane 135 op. and also do a corporate contract under part 91 - with the pilot on corp. salary - A/C on equipment lease. I have a leg on each side of the fence.

- o -

Since I have a Reg. Guides license and conduct hunt plus operate a part 135 operation also it doesn't regulate me one way or the other. But I would hate to see every guide or outfitter with an air taxi.

- o -

It is hard to answer your first question as written. You are assuming all guides and outfitters will qualify as air taxi operators. If they all can qualify then it will be less business for me as an air taxi operator. If they can't qualify then there may be more business for existing operators. I don't support the requirement that all guides/outfitters need to qualify as part 135 because that is putting the issue to the federal government to resolve. The state should find a solution to the problem between guides/outfitters. Some legislation should be enacted to control outfitters. The existing regulation for guides should be enforced.

- o -

If there is significant increase in guide application for air taxi certificates, then the answer to question #1 changes to b, "there will be less business ..."

- o -

I feel it is inappropriate for our legislature to in effect force more air taxis into existence as a result of the amendments to the guiding/outfitting statutes. Until about 1983, our state government via the Alaska Transportation Commission thoroughly regulated the transportation industry, making it very difficult for new entrants to get started. In my case, flying only one Super Cub with myself as the only pilot, I spent months of paperwork and hearings and \$12,000 in legal fees to get certified as an air taxi operator by the ATC. Now, in 1989, our government is doing the exact opposite, coercing people to get an air taxi certificate. Without government regulation forcing them to do so, these guides/outfitters have shown no desire to get an air taxi operating certificate.

- o -

I readily admit there is a problem with the existing regulations affecting guides and outfitters. However, the legislated solution should not adversely affect a completely different industry. I have worked hard for nearly 10 years creating my own "niche", in our air taxi industry, and resent our legislature forcing competition with me and other established air taxi operators.

- o -

Will probably put guides out of business because they will not have money to get commercial license, instrument rating, bring airplanes up to 135 specs, buy 135 insurance and comply by June of 1989.

- o -

Past president of AACA - left AACA because membership fell drastically. Do not feel organization truly representative of air carrier industry. The most significant result of this law will be the probability of a better level of safety for the unknowing hunter passengers.

- o -

For starters - if guides get air taxi certificates under the "Post Ryan Era" FAA, they won't be those half-assed air taxis certificate that FAA gave out to the lodges in the late 70's. Guides will have to be qualified and certified pilots. Maintain their aircraft to 135 specs. Produce and maintain a full pilot training manual and operations manual. Stop flying any external loads with passengers on board - stay within legal weight and balance. Not fly in any bad weather or break any other FAR's and the list goes on from there. That alone should scare the hell out of any sober guide. I personally only know about a dozen guides and I don't know one that I feel would qualify at this point or could qualify in the next few years - then, even if they did - they couldn't stay in business doing what I know they do in the field and stay legal 135 anyway. So I know the guides don't want 135 certificates and the 135's don't want the guides to have them and possibly compete with them in the future either. Who in the hell's brainstorm was this down in Juneau anyway?

- o -

Due to new FAA regulations effective march 1, 1988, it will be very difficult for guides/outfitters to obtain a 135 license. New law will be almost impossible to enforce. Most major violations by guides seem to involve aircraft. This law might encourage more "fair chase" guided hunts.

- o -

This is in response to your brief questionnaire of November 1, 1988. When I initially began this phase of my business I was faced with the choice of obtaining a part 135 certificate, operating without as many others do now. I fit squarely into the category you are dealing with: I run unguided hunts, I outfit. I choose to go through the certification process. Why? I had nothing to hide and it's not all that difficult to do. In fact I was fully legal and operating 11 days after my initial application. Sure my aircraft had to meet certain standards in regards to minimum installed

equipment, inspections, etc. Sure my pilots had to hold certain minimum operating certificates and take FAA check rides. Sure I had to maintain records of our operations and have those inspected by the FAA during our yearly base inspection. What's wrong with that. I was going to do that anyway, as responsible person would.

- o -

If you examined this segment of the industry, those who operate without certificates, I think your decision would be easy. Yes, many are responsible operators, but many are not. You would find unlicensed aircraft, uninsured operators, and pilots with improper credentials. I've never understood why this has been allowed to go on, it wouldn't have been in the lower 48. I guess we have a unique situation here: an industry that was established before regulation. Will enactment of this bill cause hardship? Certainly, but as you hear the wail, the cry from the wilderness, ask yourself why. Is it because of undue hardship, or lack of willingness or ability to meet the minimum reasonable requirements of the FAA. Enactment of the bill will, in the long run, result in a safer healthier industry. We've experienced similar situations in our state's history, and we have always gone forward, progressed. I feel we should in this matter also. Log me foursquare in support of enactment of this bill.

- o -

DISTRIBUTED
12-12-03
my (Brent Jones)
APHA

APHA Recommendations to the Task Force

The proposals we are recommending should be implemented as follows.

Part I.

- * Limit all commercial users to 2 groups
- * Charge commercial use fees
- * Establish recognized camps
- * Reporting
- * Leave a status quo on the assigned areas for 2 years.
- * Establish a point system for violations
- * Pass emergency regulations for status quo
- * Limit all guides to a maximum of 3 GMUs on license
- * Create a Commercial Game Board (Lets us start with a completely new system)
- * More stringent licensing requirements

These should be implemented immediately. This gives the present area holders on state land the same protection that the Federal Land Managers have given them on Federal Land.

Justification:

By charging concession fees for use of the areas (\$500.00 or 1000.00), a Commerical Hunting Use Permit fee of \$200.00, Regular Guide License fee \$200.00 and a Conservation Tax 25% of the tag fee, would immediately make available the 70 guide areas that were up for minimum use. In addition to these there will be many areas (we estimate 20-30) where the present area holder will not pay these additional fees and drop out of the system. This will allow new guides into the industry, those who want to make guiding a career. By charging the substancial fees, some of the potential new area holders my choose to do something else. Even so they will have had the oportunity to have gotten into the industry, and the choice will have been theirs.

This 1st part of the plan will prevent total chaos in the industry. It will assure the hunters coming to Alaska that there is a viable guiding industry continuing to operate as close to normal as possible and still give the oppurtunity to new guides to start their own guiding business.

Just because there are 440 licensed guides at the present time does not mean that all of these will be jumping for these new areas. Many of the 440 licensed guides can make more money working for other LGO's and many of the older licensed guides will take an early retirement from the industry. We feel that there may be 50-75 new guides

applying for an area under the proposed system. By charging the substantial fees a guide cannot justify the holding of a valuable area just for the sake of taking a couple of hunters on the weekend during the fall season.

2 groups of commercial users.

1. License Guide/Outfitter (LGO)

A. Must have a registered or master guide license.

B. Will continue to fly under part 91.

C. With this license you would be able to guide and/or outfit hunters for big game.

2. Transporters - Providing Transportation only

A. Air taxi operators (Part 135)

B. Boats with living quarters (MBO)
(Motorboat operators license)

C. Horse packing operators

D. 3-wheelers and other ATVs

FEES:

All LGOs must pay a yearly concession fee to the State for the right to operate a hunting concession.

Areas under 100 sq. miles	\$ 500.00
Areas over 100 sq. miles	1000.00

All non-residents must pay a conservation fee to the State for every animal taken. This fee shall be collected by the LGO or Transporter and will go to the Game Division to manage the resources. (example is 25% of tag fees)

Black Bear	\$50.00
Brown/Grizzly	87.50
Bison	87.50
Caribou	75.00
Dall Sheep	100.00
Deer	33.75
Elk	62.50
Moose	75.00
Goat	62.50
Musk OX	275.00
Wolf	37.50
Wolverine	37.50

Any person transporting hunters, or providing any hunting service in the field will be required to purchase a Commerical Hunting Use Permit. This permit shall be \$200.00 and go to the Game Division for manageing the resources.

CAMPS

Licensed Guide/Outfitter's (LGO's) will be the only user group who may have pre-established temporary camps with or without people for the purpose of big game hunting.

Every LGO must have a lawfully established registered base camp in any Game management unit (GMU) or sub-unit in which he operates. The base camp will be marked on a map submitted with the Game harvest and Management Plan.

Transporters can only provide transportation and will not provide any pre-established temporary camps in the field for the purpose of big game hunting.

REPORTS

All LGOs will be required to submit a Game Harvest and Management Plan with his application for an area. An annual report of activities, including harvest data must be filed to the ADF&G Game Division along with all collected

Conservation tax from all successful hunters. This report is due by Dec 31st.

All transporters will be required to provide an annual report of activities including harvest data along with the collected conservation tax from all successful hunters transported during the year. This report is due December 31st.

Anyone who legally operated as an outfitter during the 1988 season in accordance with the reporting requirements in SB191, and can show prior past use for 1987 and 1986, will get the opportunity to take the registered guide exam. The normal 6 month application deadline will be waved to 30 days for this one time. This way they can take the test in March and if they pass they could hunt the fall of 1989.

Point system of violations should be determined by Dept of Public Safety and submitted to the Task Force. This should be implemented ASAP.

Part 2.

- * Assigning new areas for interim of 2 years to new applicants ASAP
- * Review Game Harvest and Management plan and Activities Report to look for problem areas

- * Enforce Minimum use regulation to open up more areas
- * Review the creating of more smaller GMUs and restricting licenses to these GMUs
- * Increase requirements for licensing
- * Create a system for allocating areas that is constitutional
 - A. Protects the resource
 - B. Accessable
 - C. Manageable
 - D. Enforceable
 - E. Pays fees to State
- * Review problem of unlimited hunting pressure created by unregulated Air Taxi dropoff hunts

Part 3.

- * Long term planning for the guiding industry
- * Long term leases or concessions
- * Determine transferability of leases or concessions upon death or retirement

DISTRIBUTED
12-13-88
myr/fhp

**PROPOSED FOR INCLUSION IN THE INTERIM
TASK FORCE'S REPORT TO THE LEGISLATURE**

The Task Force recommends enactment of a statute formally repealing AS 08.54.195, which was invalidated in the Alaska Supreme Court's recent Owsichuk decision, and amending AS 08.54.040(7) to cure its legal infirmity under the decision. In essence, the Task Force's recommendation reaffirms the Guide Board's authority to regulate the number of licensed guides conducting commercial hunting activities in various game management units or subunits, but only to the extent constitutionally permitted under the "Common Use" clause applied in the Owsichuk decision. The intent is to assure that the Guide Board has the statutory authority it needs, while explicitly limiting that authority so that the board's regulations may not exceed the constitutional limits. Determination of exactly where those limits lie, in light of the Owsichuk decision, is a matter best left to the Guide Board and its professional advisors in the Alaska Department of Law and the Division of Occupational Licensing.

In proposing these amendments to revise the Guide Board's statutory authority in light of the Owsichuk decision, the Task Force does not mean to suggest or imply that the Guide Board lacks sufficient rule-making authority under AS 08.54.040(3) and (5) and AS 08.54.050. The newly-revised authority that would be granted to the Board under this proposed amendment, by means of amended AS 08.54.040(7), supplements that existing authority.

7: R 54865

IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR AND
THE INTERIM TASK FORCE ON
GUIDING AND GAME

HOUSE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act relating to the regulation of professional hunting guides."

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

* Section 1. AS 08.54.195 is repealed.

* Sec. 2. AS 08.54.040(7) is amended to read:

(7) Establish by regulation a system under which commercial guiding activities within designated geographical game units or subunits of the state may be regulated by limiting the number of guides permitted to conduct hunts in such units or subunits, consistent with the requirements and limitations of Article VIII, Section 3, of the Alaska Constitution.

* Sec. 3. This Act takes immediate effect upon its enactment, in accord with Article II, Section 18, of the Alaska Constitution.

DISTRIBUTED
12-13-88
M PPTP

**LEGAL POSITION STATEMENT OF ALASKA PROFESSIONAL
HUNTERS ASSOCIATION ON REGULATION OF COMMERCIAL
GUIDING ACTIVITIES FOLLOWING OWSICHEK DECISION**

The Alaska Professional Hunters Association is a non-profit association of commercial hunting guides. The Association's membership includes more than 75% of all active professional hunting guides in Alaska. For fifteen years, it has served its members as a vehicle for communication of information and advocacy on their behalf concerning public policy issues of importance to commercial hunting guides in Alaska.

The October 21, 1988 Alaska Supreme Court decision in Owsichuk v. State has precipitated a broad public controversy concerning the regulation of professional guiding activities. This controversy has unfolded in the broader context of an ongoing policy review by the Interim Task Force established during the last legislative session by Senate Bill 191. The Association has been actively involved in recent weeks in consultation with the Task Force and with numerous affected state and federal agencies, seeking to develop an appropriate response to the potential crisis presented by the Owsichuk decision. The purpose of this position statement is to explain the legal basis for the Association's recommendations to the Interim Task Force and other state agencies.

**THE OWSICHEK DECISION HAS NOT
UNCONDITIONALLY PROHIBITED APPROPRIATE
REGULATION OF COMMERCIAL GUIDING ACTIVITIES.**

In Owsichuk, the Alaska Supreme Court recognized for the first time that the Alaska Constitution's "Common Use" provision is a limitation on the legislature's power to regulate commercial guiding activities. It is crucial to recognize that this pronouncement about constitutional law, while rejecting the exclusive guiding area system in its present form, does not prohibit all regulation of guiding activity. Many alternative regulatory approaches - including approaches utilizing a limited-use guiding area concept - are permissible within the constitutional framework described by the Owsichuk decision. The Association strongly urges the Task Force to recognize that the decision is limited in this respect, and that many regulatory alternatives are still permissible. We strongly oppose any kneejerk reaction to the decision, that hastily and uncritically rejects alternatives for fear that someone might challenge them under the Owsichuk decision. Uncertainty about what regulatory approaches are constitutional under Owsichuk is not itself a reason to abandon all efforts to regulate guiding activities. The mere threat of litigation should ^{not} discourage the Task Force or the Guide Board. Filing a lawsuit to challenge a law is simply a matter of paying the \$70 court filing fee. Winning in a legal challenge is much more difficult.

**THE LEGISLATURE'S POLICY DECISION TO LIMIT
COMMERCIAL GUIDING ACTIVITY REGIONALLY
THROUGH REGULATIONS PROMULGATED BY
THE GUIDE BOARD SHOULD NOT BE ABANDONED.**

The Owsich decision has not condemned the underlying goals of the exclusive guide area concept, and it should not be interpreted as the death knell for those important goals. The Association trusts that the Task Force will not reject the Legislature's basic policy decision - which survives the Owsich ruling - in its haste to respond in the current atmosphere of controversy.

We wish to express concern that the Attorney General's Office and the Division of Occupational Licensing appear to have substituted their judgment for the will of the legislature. They seem to oppose any program to limit guiding activity on a regional basis, even if the program is consistent with the constitutional dictates of the Owsich decision. They have urged the Guide Board to abandon any regulation of guiding activity other than testing and discipline. They advocate rolling the Guide Board's authority back so that it would be limited strictly to the regulation of professional fitness. We see this as a serious overreaction to the Owsich decision, motivated by a sense that these advisors to the Guide Board know better than the Board members or the Legislature what is best for the public. Their recommendation ignores the Guide Board's statutory mandate to regulate guide "activity" as well as guide

fitness and performance standards. AS 08.54.040(3). They ignore the Legislature's direction to the Guide Board to regulate guiding activities to serve the interests of hunter safety, conservation and the guiding profession itself. AS 08.54.040(5). The Association hopes that all state agencies and officials will maintain an open mind as policy alternatives are examined over the next several weeks.

**THE GUIDE BOARD RETAINS SUFFICIENT
RULEMAKING AUTHORITY TO RESPOND TO THE
OWSICHEK DECISION WITH NEW REGULATIONS,
WITHOUT REQUIRING ENACTMENT OF AMENDING LEGISLATION**

General rule-making authority to regulate guiding activity is granted to the Board by AS 08.54.040(a)(3) and AS 08.54.050. The Supreme Court noted that the original purposes of this authority included not only the regulation of guide fitness but also the protection of fish and game management. Owsichuk, p. 2. It is under this general authority that the original exclusive guide areas and joint-use areas were established as a means to limit commercial guiding of nonresident sport hunters. (AS 08.54.040(5) also makes this clear.)

Legislation specifically addressing the subject was enacted in 1976 [what is now AS 08.54.040(a)(7)] and in 1986 (AS 08.54.195). Those two statutes were stricken as unconstitutional in the Owsichuk decision. In footnote 9 of its opinion (p. 10), the Supreme Court expressly declined to rule on Owsichuk's

challenge to the EGA/JUA system as it existed before the 1976 amendment. For this reason, the Court did not address any question as to the reach of the Board's rulemaking authority under its general statutory powers set forth in AS 08.54.040(a)(3) and AS 08.54.050. The Board therefore retains the power to promulgate regulations limiting guiding activity in order to protect game resources and advance the interests of the profession under these provisions of the statute, so long as its regulations do not run afoul of the "Common Use" provision as interpreted by the Court in the Owsichek decision.

This does not mean that legislation to clarify the Board's authority after Owsichek would not be appropriate. The Association intends to work with the Interim Task Force, the Guide Board, and other state agencies to develop an appropriate proposal for consideration by the legislature. In the interim between now and the effective date of new legislation, however, the Guide Board has the authority (and, we feel, the responsibility) to use its existing rulemaking authority to protect the public interest.

**ABANDONING ALL LIMITATIONS UPON COMMERCIAL
GUIDING ACTIVITIES WOULD NOT BE IN THE PUBLIC INTEREST.**

The Legislature had several good reasons in mind when it decided that the Guide Board should impose limits on the number of guides conducting commercial hunts in guiding areas. These

include the concerns listed in AS 08.54.040(5), a statute unaffected by the Owsichuk case: maintaining sportsmenlike and ethical hunting practices, assuring hunter safety, advancing principles of conservation, protecting the game resources, and upholding the dignity of the guiding profession.

The status quo in Alaska today reflects the ^{RESTRICTED} ~~exclusive~~ guiding area system. A radical change in the status quo, in an overreaction to the Owsichuk decision, would create serious legal and economic problems. In the first place, state and federal land management agencies have developed permitting, leasing or concession programs predicated upon the State's policy of limiting commercial guiding activities. Abandonment of that established policy would in effect pull the rug out from under these federal land management agency programs. If the federal agencies are forced to make radical changes, legal issues are certain to arise under the National Environmental Policy Act ("NEPA") and the Alaska National Interest Lands and Conservation Act ("ANILCA") subsistence provisions. This would be a high price to pay for an unneeded and premature change in state policy.

Second, the State should not lose sight of the economic injury which many perfectly innocent commercial guides and nonresident hunters will suffer if the State does not make an effort to salvage what remains of the system that has been in place for so many years. These people have literally invested

their lives and their families' savings in reliance upon the legal integrity of the status quo. It might be easy for the Attorney General's Office or the Division of Occupational Licensing to be cavalier about these victims of the Owsichuk decision. We hope that the Task Force will weigh their interests carefully as it considers alternative courses of action.

PROPOSED GUIDE BOARD EMERGENCY REGULATIONS

In light of the concerns discussed in this position paper, the Association will strongly urge the Guide Board to consider promulgating emergency regulations to salvage the existing system of commercial guiding regulation to the maximum extent permissible under the Alaska Constitution as interpreted by the Owsichuk decision. The Association is preparing specific proposed regulations for this purpose. We recognize that the Guide Board's authority to promulgate such regulations is the subject of debate in light of the Court's decision. The mere existence of a debate as to its authority should not discourage an honest attempt by the Board to exercise its rulemaking authority. In conjunction with the Board's promulgation of emergency regulations, the Association urges the Interim Task Force to consider submission of legislation to reaffirm the Guide Board's statutory authority on this subject to the maximum extent constitutionally permissible. A proposed bill and accompanying

explanatory message are submitted for the Task Force's consideration with this position statement.

The Association recognizes that, as with other controversial issues of state constitutional law such as local hire, further explanation of the limitations imposed by the "Common Use" provision may be necessary. The prospect of future litigation for that purpose, however, should not discourage the Legislature, the Guide Board and the Interim Task Force from their mission of protecting the game resources, the safety of hunters, and the economic vitality of the guiding profession by every legal means.

seb:JNR543B1

FINDING OF EMERGENCY

The Alaska Guide Licensing and Control Board finds that an emergency exists and that the attached amendment is necessary for the immediate preservation of the public peace, health, safety, or general welfare. A statement of the facts constituting the emergency is as follows:

On October 21, 1988, the Alaska Supreme Court issued its decision in the case of Owsichuk v. State of Alaska, Opinion #3389, in which it held that the system of exclusive guide areas and joint use areas established by the Board under existing law is illegal. This decision leaves open the serious possibility that unregulated guided hunting activities could occur in the months following the decision, before permanent Board regulations or amendatory legislation would come into effect. The immediate and severe adverse effects of this regulatory void are described in the State's Motion For Stay of Decision dated November 18, 1988, pending for decision by the Alaska Supreme Court, together with the documents filed in support of that motion. Based upon the facts recited in those documents, the Guide Board finds that immediate amendments to its regulations are necessary to respond to this emergency.

ADOPTION ORDER

Under the authority of AS 46.11.040, the amendment is therefore adopted as an emergency amendment to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: _____

RAY McNUTT, CHAIRMAN
ALASKA GUIDE LICENSING AND CONTROL
BOARD

FILING CERTIFICATION

I, Stephen McAlpine, Lieutenant Governor for the State of Alaska, certify that on January _____, 1989, at _____ .m., I filed the attached regulations according to the provisions of AS 44.62.

Lieutenant Governor

Effective _____
Register _____

Register __, ____, 1989.

Professional and Vocational Regulations 12 AAC 38.200.

EMERGENCY AMENDMENT TO REGULATION

12 AAC 38.200 - .295 are hereby repealed. New regulations numbered 12 AAC 38.200 - 12 AAC 38.2__ are hereby adopted on an emergency basis as follows:

Alaska Outfitters Association Inc.
Proposals to Task Force
Work Draft - December 1988

1. Basic Licensing System

- 1.1 All commercial users will be licensed.
- 1.2 Provide for a license application fee sufficient to cover Occupational Licensing administrative costs.
- 1.3 Qualified license applicants will obtain Alaska business license before receiving license from Occupational Licensing.
- 1.4 Qualified applicants with Alaska business license will purchase a license for a substantial fee per year (\$300-\$500) with non-resident fees set a three to five time multiple of resident fees. The annual fee should be administratively controlled in such a way as to go directly to Dept. of Public Safety and Dept. of Fish and Game.
- 1.5 Occupational Licensing will test applicants and issue licenses. The Guide Board will be allowed to sunset and will no longer exist. Tests will be designed to test knowledge and competency and not to limit access to profession.

2. Types of Licenses, Qualifications and Restrictions.

- 2.1 Individuals presently holding licenses as registered guides or master guides will be licensed as outfitters after successfully passing the written test for outfitters and providing documentation of first aid training and liability insurance.
- 2.2 Individuals presently holding class A assistant guide licenses or assistant guide licenses meeting the criteria for Outfitters or Guides may take the appropriate test to become an Outfitter or Guide.
- 2.3 Individuals wishing to hold an Outfitter License must:
 - 2.3.1 Have ninety days of brown/grizzly bear contracts within five years prior to application.
 - 2.3.2 Pass an exam dealing with survival, trophy judging and care, meat handling, hunter safety and such other subjects Occupational Licensing deems appropriate.
 - 2.3.3 Possess documentation of current first aid competence and liability insurance.
- 2.4 Individuals wishing to hold a Guide License must:
 - 2.4.1 Have ninety days of hunting contracts within five years prior to application.
 - 2.4.2 Pass an exam dealing with survival, trophy

judging and care, meat handling (portions of the Outfitter exam dealing with sheep and bear will be deleted) hunter safety and such other subjects as Occupational Licensing deems appropriate.

2.4.3 Possess documentation of current first aid competence and liability insurance.

2.5 Individuals formerly operating as outfitters must:

2.5.1 Discontinue use of the word Outfitter in connection with advertising hunting services until they are actually licensed as a guide or outfitter in accordance with SB 191.

2.5.2 Obtain a Transporter's license which will enable the individual to provide camp helpers and meat packing services from registered camps. Such licenses will provide a 3-5 year transitional period by the end of this time the individual will be expected to either meet the qualifications for a guide license or to leave the business.

2.5.3 Possess documentation of current first aid competence and liability insurance.

2.6 Individuals wishing to hold an assistant guide's license must:

2.6.1 Have hunted big game in Alaska one year in the previous three years prior to application.

2.6.2 Be employed by and directly supervised by a guide or outfitter.

2.6.3 Possess documentation of current first aid competence.

3. Administration and Enforcement

3.1 Game Management Unit (GMU) Permits

3.1.1 Any Outfitter, Guide or Transporter[?] may operate in any GMU as long as he holds a permit for that GMU.

3.1.2 Permits will be issued for a substantial fee (\$300-\$500) with non-resident fees set at a three to five time multiple of that amount. The fee should be handled in such a way administratively as to go directly to agencies involved.

3.1.3 Hunting in a GMU without a proper permit shall be punishable by substantial (five to eight time multiple of permit fee) fine.

3.1.4 All commercial operators shall be limited to pre-registered permanent or temporary base camps within the GMU for which they hold a permit.

3.1.5 Registration fee for such camps shall be \$200-\$400 with non-resident fees set at a three to five time multiple of the resident amount.

3.2 Reporting Requirements

3.2.1 State agencies will develop reporting requirements for all commercial users.

3.2.2 Failure to comply with reporting requirements will result in a minimum of a one year license suspension.

3.3 Enforcement Guidelines

3.3.1 Establish a point system for violations similar to that used for motor vehicle operators.

3.3.2 Change guiding without a license from a felony to a misdemeanor to bring industry in line with other professions.

3.3.3 Allocate fines received from violators directly to state agencies involved.

3.3.4 State agencies should provide employee guidelines to prevent the conflicts of interest that arise when an individual attempts to be both a professional resource manager/protector and a commercial resource user.

3.4 License and Tag Guidelines

3.4.1 Eliminate interchangeable tags

3.4.2 Raise license and tag fees across the board.

**A PERFORMANCE REPORT ON THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
GUIDE LICENSING AND CONTROL BOARD**

November 21, 1985

Audit Control Number

08-1253-86-R

**Commissioner, Department of
Commerce and Economic Development**

Loren H. Lounsbury

**Deputy Commissioners, Department of
Commerce and Economic Development**

**Terry Elder
Greg Baker**

**Members of the
Guide Licensing and Control Board**

**Chairman
Member
Member
Member
Member
Member
Member**

**Ray McNutt
Edward J. Shavings, Sr.
Douglas Pope
Charles Weir
Poldine Carlo
Ralph G. Fenner
James Harrower**

STATE OF ALASKA

THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

November 22, 1985

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Titles 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT ON THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT GUIDE LICENSING AND CONTROL BOARD

November 21, 1985

Audit Control Number

08-1253-86-R



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Report	1
Organization and Function	3
Report Conclusion	5
Findings and Recommendations.	7
Analysis of Public Need	15
Appendixes:	
A. Guide Licensing and Control Board Revenues Compared with Expenditures	21
B. Guide Licensing and Control Board Examination Statistics.	23
C. Guide Licensing and Control Board Administrative Statistics	24
Agency Response:	
Department of Commerce and Economic Development	25
Guide Licensing and Control Board	27

PURPOSE AND SCOPE OF THE REPORT

Purpose

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Guide Licensing and Control Board for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Guide Licensing and Control Board should be reestablished. The law now specifies that the Board will terminate June 30, 1986 and will have one year from that date to conclude its affairs.

Scope

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Interviews with the license examiners.
3. Tests of files and documents of licensees.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General Opinions applicable to professional boards.

ORGANIZATION AND FUNCTION

The Guide Licensing and Control Board was established by the 1973 Legislature and succeeded the Board of Fish and Game, Department of Fish and Game, which previously had regulated the guiding industry. The seven member Board is appointed by the Governor with confirmation by the Legislature and is restricted to having no more than three members as licensed guides. Board members serve staggered terms of three years or until their successors are appointed.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing. The Division assists the Board in the performance of their duties by providing administrative, licensure, and investigative support.

By law, a nonresident may not hunt, pursue, or take brown bear, grizzly bear, polar bear, or sheep in Alaska unless personally accompanied by a licensed master, registered, or assistant guide. Nonresidents hunting with an Alaskan relative are exempt from this requirement. The Guide Licensing and Control Board was appointed in part to protect these nonresident hunters from incompetent individuals holding themselves out to be qualified Alaskan guides.

The function of the Board is primarily regulatory, mandated by AS 08.54.040. Accordingly, the Board has the capacity to administer examinations, determine qualifications of guides, establish performance standards and regulate activities, maintain guide registers, prohibit harmful guiding activities, conduct hearings regarding licensure, and establish quotas of guides for specified geographical areas (exclusive guiding areas). The Board, through the assignment of exclusive guiding areas, limits hunting pressure by guides within a specific geographical area.

In addition, the Board licenses "transporters"; a licensed "transporter" is a person who transports hunters for hire.

REPORT CONCLUSION

Policy Issues

This report contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the Guide Licensing and Control Board should be reestablished. The regulation and licensing of qualified guides is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum qualification and experience requirements that provide reasonable assurance that persons licensed are both capable of safely conducting guided hunts and familiar with their prospective guiding areas. Assurance that those licensed act in a competent manner is also provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

However, the following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Guide Licensing and Control Board (GLCB) should develop a prioritized set of criteria to use in assigning both exclusive and joint-use guiding areas (EGAs).

Alaska Statute 08.54.040(a)(8) allows GLCB to:

Establish a quota of licensed operating guides who may operate within designated geographical units or subunits of the state and provide for an equitable and reasonable procedure for limiting the number of guides to that quota; preference shall be given to qualified available guides who reside within the designated game unit or subunit.

GLCB has implemented this provision through the establishment of both exclusive and joint-use guide areas (EGAs), which limit the number of guides who can conduct hunts in various regions of the State. The GLCB's authority to assign EGAs is supported by an April 1977 Attorney General memorandum which determined that GLCB's regulations and activities implementing exclusive guiding areas were within their statutory powers.

This limitation on the practice of guiding ostensibly provides public benefits by providing for better game management; promotion and enforcement of ethical guiding practices; enhancing the "wilderness" aspect of big game hunting experience by separating guided hunting parties; and allows for the separation of non-compatible forms of hunting. The limits are also designed to provide for a greater degree of safety to the guided hunter by allowing guides to become familiar with the terrain and seasonal weather conditions of their assigned area.

GLCB does not act consistently when considering the assignment of exclusive and joint-use guiding areas. The criteria on which any given area assignment decision is made varies from decision to decision. Additionally, GLCB often does not adequately document the basis on which they make their assignments. We found inconsistencies and contradictions in the way that GLCB applied the following criteria when awarding EGAs:

1. Game Management Information - GLCB does not consistently review game management information in their area assignment decisions. What game information they do consider usually is second hand and anecdotal, provided by applicants or current users (see Recommendation No. 2).

2. Demonstration of Experience - When applying for an EGA, applicants must demonstrate that they have had guiding experience in the applicable game unit. Guides demonstrate their experience through the submittal to GLCB of a Statement of Financial Remuneration (SFR) for each guided hunt. SFRs list the names of hunters, guides assisting in the hunt, game units hunted, and the type of game taken.

Under the Board's regulations, SFRs are the primary evidence of a guide's activity and familiarity with the game unit involved. However, we found instances where the Board awarded EGAs to guides with no SFRs in the appropriate game unit, while denying other EGA applicants because they had no SFRs on file demonstrating their experience or activity.

3. Transfers of guiding areas - GLCB has been essentially approving transfers of guiding areas with little or no consideration of any other criteria such as game management, objections of joint users, or experience of the guide receiving the transferred area (see Recommendation No. 3).

This inconsistency on the part of GLCB in its decision-making, along with the lack of proper documentation of its rationale, ultimately results in a loss of effective control over the activities and policy of the guiding industry.

During the past four years, hearing officers have repeatedly found Board decisions to be arbitrary and capricious with little or no support. In effect, the Board has abdicated much of its control over area assignments through its inconsistent application of criteria. Hearing officer decisions are beginning to effectively replace GLCB in setting quotas for guides. Essentially, GLCB has not fully met its statutory responsibility to adopt an equitable and reasonable procedure for the assignment of guide areas.

We believe GLCB's responsibility would be better met by identifying pertinent criteria to be used in area assignment decisions, assigning some priorities to those criteria, and applying them consistently.

Recommendation No. 2

GLCB should improve methods of obtaining game management information from independent sources, such as the Alaska Department of Fish and Game (ADFG).

One of the primary justifications for the whole concept of EGAs is to enhance overall management of the public's game resources. Guides are awarded exclusive or joint-use areas so that they have a long-term interest in managing the game

in their EGA. GLCB has adopted regulations [12 AAC 38.053(d) (1)] that require it to consider an area's ability "... to sustain an additional guided hunting operation, in terms of game populations, terrain, methods of hunting, and use by other guides and hunters."

As stated in Recommendation No. 1, we found that GLCB rarely considers independent information regarding game populations and management concerns when assigning EGAs. GLCB relies on information provided by applicants and guides operating in the region under consideration. Certainly, the assessment of an active registered guide is important and should be considered. However, whether coming from an applicant or current user, it must be recognized that the guide has a vested interest in how the information is presented and interpreted.

Oftentimes, information presented to the Board is conflicting, depending on the desire of the guide. New applicants for areas claim game is plentiful, and the area is underutilized. Current users, on the other hand, emphasize game scarcity and hunting pressures.

If GLCB established better, more formal communications with ADFG they would better meet their regulatory and statutory obligation to enhance the management of the State's game resources. ADFG information may be no better than that of guides; however, it is more independent and more objectively developed. ADFG is charged with management of the State's game resources, and guided, non-resident hunters take up to an estimated 40% of the game in the State. We believe GLCB should attempt to improve communications and coordination with ADFG while taking steps to include their assessment of game populations and hunting pressures when considering assignment of EGAs.

Recommendation No. 3

GLCB should take more responsibility for area assignments by repealing regulations that allow a guide to designate to whom his EGA be reassigned.

Registered and master guides may each have a maximum of three EGAs. Typically, when a guide wishes to retire or perhaps become eligible for another, different ECA, he is allowed to turn back an existing EGA to the Board and designate the recipient of this reassignment. GLCB regulations currently allow, but do not necessarily require, this practice.

We found that these designated transfers override all other area assignment criteria. Essentially, GLCB has been automatically approving transfers of EGAs regardless of game management considerations, demonstration of experience

in the area by the transferee, and over the objections of affected joint users. Whereas GLCB evaluates, albeit inconsistently, regular area assignments, our review indicated they gave transfers much less scrutiny.

We believe that this lack of scrutiny encourages the practice of guides selling their EGAs to other guides in violation of GLCB regulations. With the Board giving little review to transfers, they greatly increase the potential of EGAs being awarded based solely on economic consideration; i.e., can the designated recipient afford to buy the area from its holder? This potential abuse is contrary to GLCB's statutory responsibility of establishing quotas for guide areas in an equitable and reasonable manner. We feel that all qualified guides for the area should receive equal chance at receiving an EGA, regardless of their ability to "buy" the rights from the previous holder.

By not adequately reviewing transfers of guide areas, the GLCB is missing an opportunity to achieve one of its stated policy goals. In the Board's FY 85 annual report, they state one of their policy objectives is to not allow additional joint use in areas that already have enough guides operating.

We feel that it would be better if the EGAs were surrendered to the Board; the Board review pertinent and prioritized criteria to determine if the region would support one or more additional guide operations; then consider all applications for the area under a equitable and reasonable method of allocation. Such a method could take into consideration unique qualifications such as a son or daughter who had worked as an assistant to their father, or perhaps a registered guide, who had "apprenticed" in the region under the surrendering EGA holder and accordingly, is more knowledgeable of the area than other applicants. By following such a procedure the Board would promote compliance with its own regulation restricting the transfer of guiding area permits.

Recommendation No. 4

GLCB should adopt procedures to improve the administration of the oral portion of the registered guide examination.

The oral portion of the registered guide examination is arbitrary and inconsistent in content and grading. This is because the examination content and grading guidelines are left to the discretion of the individual examiners.

To qualify for licensure as a registered guide, an applicant must successfully pass the registered guide examination. This examination, which is prepared and administered by GLCB, is composed of two parts, a written and an oral section. Passage of the examination requires the applicant to obtain a score of 80% on both sections.

GLCB procedures require the oral portion of the registered guide examination to be administered by three examiners, consisting of a Board member and two master guides. Questions asked by the examiners are based on an oral exam sheet, which does not limit examiners to specific questions nor does it provide predetermined question grading values.

This allows individual examiners to emphasize whatever subject areas they wish in the questioning of applicants. Despite the lack of specific grading criteria on which to base examination scores, instances were noted in which applicants narrowly failed exams by combined examiner scores as high as 79%.

The inconsistency of exam content and grading is demonstrated by the following example. In February 1985, an applicant failed the oral portion of the examination. The reason for failure noted by the examiners was that the applicant needed more hunting experience in the field. Examiners recommended the applicant obtain specific area experience along with spring, late fall, and winter experience. One month later, the applicant took the oral examination again, and was passed by an examination committee made up of three different examiners.

GLCB appears to have demonstrated its own doubts regarding the validity of oral examination results. GLCB's regulation 12 AAC 38.010(c), states the failure to achieve a passing score on either section of the examination constitutes failure of the entire examination. However, on several occasions, after having been petitioned by applicants who passed the written portion of the exam while failing the oral portion, the Board waived the requirement that the written portion of the examination be retaken.

The lack of specific guidelines dictating the objective administration of the oral portion of the registered guide examination has resulted in inconsistent content and grading between individual examinations. The likelihood of exam passage is as much affected by who the examiners are and their individual judgement as it is by the knowledge and competence of the applicant.

Structured guidelines governing the administration of the oral portion of the registered guide examination should be implemented by GLCB. These guidelines need to provide examiners with specific directions as to examination questions to be asked and their assigned grading values. If implemented, structured guidelines will provide a more objective means of administering the examination. This will provide the Board with more of a fair and consistent test of applicant competence.

Recommendation No. 5

GLCB should seek both statutory and regulatory changes in order to improve the protection of the public from unethical guiding practices.

One of the primary purposes of licensing and regulating guides is to protect the public from unethical guiding practices. We identified regulations and statutes that serve to block effective consumer protection action on the part of GLCB and serves to protect guides at the expense of the public. We recommend that GLCB enhance its consumer protection responsibilities by taking the following actions:

- A. Pursue amendment of statutes that limit GLCB's authority to discipline guides for unethical activity.
- B. Adopt regulations and/or recommend legislation to require guides to post performance bonds.

Statutory Constraints to Effective Disciplinary Action

Alaska Statute 08.54.200(a)(1) does not allow the Board to consider complaints of unethical or incompetent guiding practices until receiving complaints from "... three or more clients [hunters] of separate [hunting] parties."

In the course of our review we found four instances where guides had two allegations of unethical guiding activity, as defined by GLCB's regulations, but still had not been brought before the Board for review. Law enforcement officials told us that the statute requiring three separate complaints was particularly onerous for effective resolution of consumer complaints. Law enforcement officials are put in the position of consumer ombudsman, trying to mediate and negotiate settlements of hunter-and-guide or guide-and-guide disputes.

GLCB's effectiveness and visibility would be enhanced if all allegations regarding unethical guide practices was brought to it for review on a case-by-case basis. It appears that the intent of the statute was to keep down the number of frivolous and unfounded complaints against guides. Other professional licensing boards listen to, and sort through, all cases and complaints, no matter how trivial, as a means of keeping apprised of the conduct of their licensees. We recommend that GLCB begin doing the same.

Bonding of Guides

Almost all hunters who use guiding services are non-residents, a large number from outside of the United States. As a result, when disputes arise between guides and hunters it is often very difficult and expensive for the complaining

hunter to seek legal remedies or implement administrative action. This difficulty is compounded by the three complaint requirement of the statutes discussed previously.

In the course of our review, we noted four cases where a non-resident hunter and guide were disputing the refundability of a deposit. One example, two out-of-state hunters sent in deposits of \$2,500 six months in advance of a hunt. Just prior to their departure for Alaska, the guide notified them that he would have to cancel their hunt. He offered to apply their deposits to a hunt the next year, but the hunters decided they wanted a refund. The guide did not respond to requests, and due to the statutory three complaint requirement, law enforcement officials were not able to bring the dispute before GLCB. The two hunters retained a Fairbanks attorney to pursue legal remedies, but soon abandoned the effort due to costs of litigation.

We recommend that GLCB pursue the necessary statutory and regulatory changes that would implement a mandatory requirement that guides post performance bonds. Performance bonds would allow hunters with legitimate grievances and claims against guides an easier, less expensive alternative in obtaining settlement of their claims. Guiding is a large industry in the State. It is important that GLCB do all it can to maintain the integrity of the guiding industry and uphold the reputation of the Alaskan guides with hunters outside of the State. The Board should recognize the unique type of consumer for guide services and take steps to adequately protect the interest of the out-of-state hunter/consumer.

(Intentionally left blank)