

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1698 SCOMM 67: GUIDING AND GAME TASK FORCE 1989-1990 1266



Kichatna Guide Service

P.O. Box 670790
Chugiak, Alaska 99567

Phone: 907-696-3256

January 9, 1990

Task Force on Guiding & Game
ATTN: Chairman Jan Faiks
Post Office Box V
Juneau, Alaska
99811

Harold Schetzle
(Zeke)
Master Guide

RECEIVED

JAN 12 1990

JAN FAIKS
SENATE OFFICE

Dear Senator Faiks:

It may be to late to consider my remarks for the task force but I'd like to note that I have difficulty understanding how a guiding business will be able to invest in buildings and other improvements when you're limited to 10 or 15 years for a permit use area.

When your permit term (if you're lucky enough to get one) expires, what happens to your improvements if the new permittee doesn't want them? They'll be essentially useless if you can't guide there-so what we be the use of trying to run a quality operation with no assurance that you'll recoup your investment? To me it's like giving a dentist a license, he establishes an operation, buys a building but after ten years he has to just walk off and leave it with no assurance he'll be able to continue working as a dentist unless he receives a permit to work someplace else. It's hard to describe but I'm sure you understand the problem there.

Plus, I feel the building assets in remote areas should be based on replacement cost, not fair market or appraised value since there may be no references for appraisers to go by-plus they charge an arm and leg just to fly out there.

Other than the above I feel the task force has done an admirable job. Thanks.

Sincerely,

Harold Schetzle

Member of



Specializing in:
Muzzleloader
Archery Hunts
& Photography
Trips

Fair Chase
Moose
Grizzly Bear
Dall Sheep
Black Bear
Caribou
Brown Bear



IN REPLY REFER TO:

RF/9684r/48-49

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. TUDOR RD.
ANCHORAGE, ALASKA 99503

DEC 07 1989



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DEC 13 1989

JAN FAIKS
SENATE OFFICE

Lewis Pamplin
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99502

Dear Lew:

Recently we sent a questionnaire to all refuge managers in an attempt to determine the potential problems that may result if there were no control over the number of guides. We also asked them for the estimated annual harvest by guided hunters and unguided hunters. From the information received, we hope to be able to find out which areas of the state are the highest priority for developing the proposed guide/outfitter resource maps. A summary of the responses is enclosed.

Most of the potential problems identified related to the possible conflict between increased numbers of sport hunters and subsistence users, or potential problems with: overcrowding in prime hunting areas; overcrowding in areas with limited access; conflicts with unguided hunters; and reduction in the number of trophy animals. The refuges that identified potential impacts to wildlife populations were: Alaska Peninsula/Becharof and Izembek National Wildlife Refuges for brown bears; Izembek National Wildlife Refuge for caribou; Arctic National Wildlife Refuge for sheep; and Arctic and Alaska Peninsula National Wildlife Refuges for moose.

Of interest is the percent of the various species taken by guided hunters on refuges.

Brown bears	36.2%
Black bears	5.7%
Caribou	8.9%
Sheep	39.9%
Deer	5.0%
Moose	7.1%

Also of interest is the fact that 113 guides currently have special use permits to operate on refuges. Those refuges with the most demand, Alaska Peninsula/Becharof, Kodiak, and Arctic National Wildlife Refuges indicated the most potential resource problems (with the exception of Kodiak National Wildlife Refuge, where the harvest is regulated by state permits).

Based on this information, we recommend the highest priority be given to developing guide/outfitter resource maps and implementing the proposed guide/outfitter allocation system for the following refuge areas:

1. Alaska Peninsula/Becharof, Izembek National Wildlife Refuges GMU 9
2. Arctic National Wildlife Refuge GMU 26B, 26C, 25A
3. Kodiak National Wildlife Refuge GMU 8

The second highest priority should be given to:

4. Kenai National Wildlife Refuge GMU 15, 7
5. Togiak National Wildlife Refuge GMU 17

The remaining refuge areas are listed in order of priority:

6. Koyukuk National Wildlife Refuge GMU 21
7. Innoko National Wildlife Refuge GMU 21
8. Selawik National Wildlife Refuge GMU 23
9. Tetlin National Wildlife Refuge GMU 12
10. Nowitna National Wildlife Refuge GMU 21
11. Yukon Flats National Wildlife Refuge GMU 25
12. Yukon Delta National Wildlife Refuge GMU 18
13. Alaska Maritime National Wildlife Refuge GMU 10
14. Kanuti National Wildlife Refuge GMU 24

If you have any questions regarding the guide/outfitter issue, please contact John Kurtz at 786-3355.

Sincerely,

Walt Stiglich

Regional Director

Enclosure

POTENTIAL PROBLEMS

ESTIMATED AVERAGE ANNUAL HARVEST

Wildlife Refuges	NUMBERS OF GUIDES UNDER PERMIT 1989						Brown Bear		Black Bear		Caribou		Sheep		Deer		Moose	
							Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters
Alaska Maritime	1	--	--	--	--	--	2	1	0	0	6	30	30	0	0	0	0	0
Arctic	17	C	--	--	A	--	15	15	1	5	30	170	90	110	0	0	18	60
Alaska Peninsula/Becharof	45	A	--	C	--	--	75	270	0	0	225	750	0	0	0	0	57	105
Innoko	2	--	--	--	--	--	0	0	2	2	0	7	0	0	0	0	10	30
Izembek	8	A	--	A	--	--	50	15	0	0	25	300	0	0	0	0	0	1
Kanuti	0	--	--	--	--	--	0	2	0	0	0	10	0	0	0	0	0	35
Kenai	6	C	--	--	C	--	2	9	6	6	1	16	4	30	0	0	11	450
Kodiak	18	C	--	--	--	C	63	52	0	0	0	0	0	0	250	4750	0	0
Koyukuk	1	--	--	--	--	--	0	1	1	75	0	25	0	0	0	0	4	270
Nowitna	0	--	--	--	--	--	0	0	0	7	0	0	0	0	0	0	0	55
Selawik	2	B	--	--	--	--	0	10	2	7	5	1500	0	0	0	0	5	85
Tecila	2	--	--	--	--	--	2	2	0	4	0	2	3	5	0	0	2	12
Togiak	5	B	--	--	--	--	8	2	0	0	0	0	0	0	0	0	2	7
Yukon Delta	3	B	--	--	--	--	5	5	0	40	0	25	0	0	0	0	0	100
Yukon Flats	3	--	--	--	C	--	2	10	4	40	1	150	0	1	0	0	4	240
TOTAL	113						224	394	16	265	293	2970	97	146	250	4750	111	1443
Percent Harvested by Guided Hunters							36.2		5.7		8.9	39.9		5.0			7.1	

A - Potential Impact To Wildlife Resources

B - Potential Impact To Subsistence Users

C - Other Potential Impact (Quality, Limited Access, Unguided Hunters etc.)

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6 December 1989

DEC 7 1989

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 C Street, Suite 525
Anchorage, Ak. 99503

JAN FAIKS
SENATE OFFICE

Dear Senator Faiks:

This letter is concerning my interest in the guide industry and concerns and viewpoints of the 17 November 1989 workdraft and also of the guide-outfitter resource area allocation program.

I've been conducting hunts for other registered guides since 1979 while at the same time, following the rules and regulations of the old guide law. I made a big commitment at that time to give up other livelihood opportunities to try and meet the past-use criteria of the old guide law by guiding every spring and fall as much as seasons allowed. I resent the fact that I'm being referred to as (small time) or (fly-by-night) guide. Although only 50% of my annual income comes from guiding, its the maximum amount that I've been able to make from guiding. Just because someone, (on his own decision) has a lodge or bought improvements to operate his hunting business, should not mean that he or she should have any more points in an award criteria basis than a guide who has equal or more investment in time. I could also, establish a large financial investment due to the work I've had to pass up in order to establish a high past-use record under the old system and yes, (on my own decision). There are a lot of guides that have recently bought improvements in units 8 - 9 but do not have near the past-use experience there that I do. The state, or the resource, should not be responsible for feeding the hugh lodges that have been built around this state. In essence, if the transfer of a guide area permit is allowed by the permit holder it is forcing a person to buy his or her improvements to operate a guide-outfitter business. I do not agree with this kind of transfer.

Under Sec. 08.54.620 subsection (d) on pg. 4 line seven of the work draft, I would like to see the language amended to read. (d) A guide-outfitter may not contract or conduct a guide-outfitted hunt. This was a loophole in the previous guide law that allowed a guide with an area to simply sign the contracts when in actuality they were another guides clients. The area holder could show minimum use while at the same time lease the area out.

I disagree with the class A,B,C permits and would much rather see a more simplified allocation program that would include the same time period for all applicants.

While I do realize the scope of your purpose, I think there needs to be a closer look at other commercial users such as air taxis, because they are in a direct way responsible for the harvest of a resource.

I commend you all for the work that has been done to date and hope that my interest will be taken into consideration as they are as important as a guides financial investments.

Sincerely,

Curt Deans
Curt Deans, Reg. Guide

Enc: All Task Force Members
Bill Horn
Senate Resources

12/6/89

Dear Senator Fails

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DEC 1989

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DEC 6

DEC 5 1989

SENATE OFFICE

JAN FAIKS

SENATE OFFICE

Under Federal and State Freedom of Information acts I request the following

1. All legal opinions, formal and informal on the "Owsided decision" and guide areas.

2. All letter notes, memoranda dealing with Guide areas, the Owsided decision and the adverse Constitution.

3. All legal opinions from Bill Horn, his associates or law firm on Guide areas, and the adverse decision and our Constitution.

4. ~~How~~ was the States attorney generals offices used and if so why was ~~as~~ a private outside firm hired?

A. Who authorized hiring a private outside firm.

B. Do you know Bill Horn.

C. Do you know the principles at Birch Horton.

D. Why was their firm selected

E. How much have the private been

12/6/89

firms charged and how much
will their total bill be? Who
is paying for the private law firm
used in the Bundy area plan?

5. a list of all persons who traveled to
other states, or countries, ^{in working with} ~~all~~ task forces,
game board etc

A. Their exact business

B. length of trip

C. who they met with

D. Cost of each trip.

E. Where is this money coming from.

6. Was this Travel necessary to Benefit the
state?

\$

Please send to Ken Owsichek

Box 190 301

Anch AK 99519

or call for a pick up 243 5899

Thank you

Henderson

Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

December 1, 1989

MEMORANDUM

TO: Senate President Tim Kelly
House Speaker Sam Cotten

FROM: Senator Jan Faiks
Chairman, Legislative Task Force on Guiding and Game

SUBJECT: Progress of the Task Force

As you know, the Legislative Task Force on Guiding and Game has been directed by the Legislature to formulate a recommendation for a comprehensive resource-based management system for the allocation of big game hunting opportunities among guide-outfitters.

The 15 member task force met in June and July to organize and establish a work plan. We met again in early October to provide the groundwork necessary for the law firm of Birch Horton, Bretner and Cherot to craft the basics of a workable management system which fits the parameters of the legislative directive, is further shaped by the input from the task force and would be able to withstand constitutional challenge. The panel received the proposed plan from Birch Horton just prior to the November 8th meeting.

Thorough discussion November 8th of the elements of the plan directed attention to several areas of the proposal which required modification or deletion. The changes were made and the revised plan as well as draft legislation were discussed during the November 20th meeting. The task force members were asked to prepare any amendments to the draft legislation that they wish to offer for presentation during the December meeting.

Important to the process has been the interaction with state and federal agencies. Following the meeting of October 5th and 6th, staff from my office and from the Alaska Department of Fish and Game met with staff from several federal agencies which desire involvement in the process. The agencies

OUT OF SESSION

included the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management and the U.S. Forest Service in addition to the Alaska Department of Natural Resources.

It is essential that the plan which Alaska adopts is also usable by the major federal landowners here. Therefore, I met in Washington, D.C. with Directors John Turner of the U.S. Fish and Wildlife Service, James Ridenour of the National Park Service and several members of their staffs to discuss the task force effort and elicit assistance and cooperation. Packets of information on the task force activities were readily accepted by the participants and I was given assurance that they would do all they could to assist the task force. They stressed their desire to participate in the process of developing a management plan that is conducive to their needs. I have also met separately with Alaska Region Director Walter Stieglitz of the U.S. Fish and Wildlife Service.

The top priority for the federal agencies is the quality of the hunting experience for the service user. They are concerned about the number of guides who may use a given area, the fees charged and the length of area leases. They are also generally insistent that the service provider be a money-making enterprise rather than a hobbyist or small operator. This can and has resulted in a great deal of "lower end" service provider pressure on state-owned lands upon which there are fewer requirements directed toward service providers.

The next scheduled meeting of the task force is December 11th and 12th in Anchorage. The members will further discuss the draft legislation in preparation for its introduction to the Legislature by January 15, 1990.

CC: All Legislators

Clearwater Outdoor Services

Peter R. Buist — Registered Guide

P.O. Box 1561 — Fairbanks, Alaska 99707

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DEC 4 1989

IAN FAIRBANKS
STATE OFFICE

(907) 457-7189



November 30, 1989

Mark,

Here are some items for the "packet" for the Dec 11-12 Guide Task Force Meeting:

- 1) The proposal for nonresident permit allocations that Lew dared me to draft!
- 2) Coastal Zone Management (CZM) Documents. One is a Consistency Review Determination by the State's coordinator. The other is the Northwest Arctic Borough's comments on a guide's application for a BLM permit.

These show quite clearly how the "planning" process is used to keep guides who apply for land use permits from using public land. Some questions about this process should probably be directed to Gary Gustafson from Div. of Land and Water Management when he appears at the next meeting.

Pete



TO: Task Force on Guiding and Game

FROM: Pete Buist, Member

DATE: November 29, 1989

RE: Options For Permit Allocations For Guided Nonresident Hunters

PROBLEM: Current allocation systems in drawing permit areas are not fair to nonresident hunters desiring guided hunts. The state loses thousands of dollars in potential revenues as a result.

1. In areas where big game permits are used in the allocation process, guide-outfitters have no certainty that any of their booked hunters will actually be awarded permits.
2. ADFG doesn't announce winners of permits until mid-summer. Nonresidents hoping to hunt sheep, for example, at the beginning of the season have less than 30 days in which to make their plans (they can't even purchase super-saver airline tickets!)
3. In permit drawings, particularly where a ceiling on the percentage of non-residents is in place, nonresidents guided by family members who are "residents" (generally military) may end up with a large percentage of the permits.
4. Under proposed TF guidelines (and the previous guide statutes and regulations) guide-outfitters will be required to show annual use of assigned Resource Areas. If a guide-outfitter's clients failed to draw, he could lose the right to guide in the area.
5. Not all permit hunts are "on permit" because of a shortage of game. Some are managed in that way to provide for an aesthetically pleasing experience, precisely the type of hunt that most nonresidents desire.

DISCUSSION:

Allocation procedures are the prerogative of the Alaska Board of Game. Proposals to alter the present system of drawing permits have been summarily dismissed several times over the past 7 or 8 years. Board makeup has changed and similar proposals have again been submitted. However, the proposal changes will be considered by the Board at the March 1990 meeting and it is fair to assume that a new guide-outfitter Resource Area system will not be in place by that time. The next time that portion of the regulations will be considered would be at the spring 1992 meeting.

The permit allocation system for brown bears in GMU 8 worked adequately for ADFG, USFWS, guide-outfitters and hunters for a number of years WHEN THE EGA SYSTEM WAS IN PLACE.

SOLUTION:

Many Task Force members have indicated their support for an allocation system but do not wish to usurp the prerogative of the Board of Game with a legislative solution. The Task Force should urge the Board of Game to consider discussion of a more equitable allocation system at their March 1990 meeting. The recommendations

should include the following:

1. Realistic dates for the drawings. March or April are far more realistic than July.
2. An outright allocation of permits to nonresidents (10% - 40%) in any permit hunt where non-residents are allowed to participate.
3. Permits allocated to non-residents, but not applied for, should be allocated to resident hunters.
4. If and when a "Guide-Outfitter Resource Area System" is in place, permits for species for which a guide-outfitter is required should be available on a REGISTRATION permit basis to clients of guide-outfitters holding the Resource Areas (UCU's) in question.
5. Permits for nonresidents accompanied by "second degree of kindred" residents should come from the resident permit allocation.

If the State of Alaska is serious about providing quality hunting experiences for non-residents, requires a guide for certain species, charges far higher tag fees and license fees than it does for residents and realizes significant portions of its ADFG budget from nonresident revenues, it should be willing to see that these hunters and their guide-outfitters get a fair shake in the permit allocation process.

November 20, 1989

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NOV 27 1989

JAN FAIKS
SENATE OFFICE

Legislative Task Force on Guiding and Game:

Jan Faiks, Chairman:

I am very concerned about receiving fair treatment in the future big game management plan. I have been a guide-outfitter for over 10 years without much possibility of receiving use of an area. I feel that each Registered Guide should be able to hunt area-wide in each of his chosen 3 areas. However, consideration should be given to create a buffer zone around each registered base-camp; with a limit of 1 base-camp per area. Also a guide should not be allowed to knowingly place a camp near to another guide's existing spike or fly camp; for example within 3 miles.

If a limit on any one species is deemed to be necessary by the Fish and Game Department; I think that a limit should be placed upon number of hunters per guide before limiting number of animals per guide. Guided hunt quality would deteriorate if number of animals per guide is limited because some guides may actually lessen the chances of hunter success in order to take more hunters, thus more income. I feel that 20 hunters per year should be maximum allowed for any guide in all of his chosen areas.

Inactivity of guides should be monitored closely, as well as continuing qualification of existing guides.

If the take of certain species must be limited then a criteria of priority could be given to subsistence, resident and non-resident, hunters. A percentage should always be reserved for non-resident guided hunts however, because this is a very important income producing industry in Alaska. For instance, area 13 has no allowable non-resident, caribou hunting. This is foolish with the caribou population at its current levels in the area. A 10% minimum non-resident take for all species in any area would be within reason. Consider the income potential for all land holders and Alaskans in general.

I hope that some of these ideas are helpful and that your committee can devise a fair, equitable, and constitutional plan for all parties concerned with our big-game resources.

Sincerely,



Butch Loper
P.O. Box 33
Cantwell, AK 99729

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NOV 27 1989

JAN FAIKS
SENATE OFFICE

Task Force on Guiding and Game
311 C Street, Suite 525
Anchorage, Alaska 99503

August 22, 1989

Brian Peterson
Box 485
Girdwood, Alaska 99587

Task Force on Guiding and Game,

As a registered guide I am very concerned with the present situation of the guiding industry. From what I have learned a system must be developed that allows equal access, supports the industry and most importantly protects and manages the resource. The following are some suggestions for a workable solution.

Geographical permit units should be used over a several year period. Initially the units would be permitted out for a one to ten year time and after the first period elapsed they would be issued for a decade. This would create a system in which ten percent of the units would turn over each year. To keep these units from being over harvested at the end of these periods a permit system would be created for guided hunters. This would be like the system that was in place on Kodiak.

Once these systems are in place the difficult task comes in creating a point system that would allocate the units and allow equal access to earning points so individuals that want units have an opportunity to get them. The following are relevant suggestions although I don't know if they are all constitutional.

Allocate points on residency from the unit. The farther someone lives from the unit the smaller their chances should be. This allows equal access because they have the freedom to live where they want to. Allocate points on experience. Since the old guiding system is unconstitutional that experience cannot be used. Hunting experience in the area is one possibility. Length of guide licence usage is another.

One of the most important aspects of your work is to sustain the industry for the economic betterment of the state. This is best done by creating an industry of guides not hunt brokers that contract or hire the hunts they book out to others, furnish supplies and equipment, and fly people around in an airplane. The following suggestions would help do this along with spreading the industry profits out instead of going to the hunt brokers that have been calling themselves guides.

Limit assistant guides to two or possibly make unit permit holders actually guide in the field 50% or 40% of their hunts. Get guides guiding again.

Limit permit units to one or possibly two if those without one are given a opportunity for it and turn it down. This would create self supporting new business throughout the state. Along these same lines there should be no joint usage in permit units.

The existing law of being physically able to perform the duties of a guide should be enforced. This means guiding in the field not booking hunts and flying airplanes. Packing out a moose or a bearhide is very physically demanding as is climbing a mountain for sheep and goats. A physical checklist similar to a pilot physical should be created for doctors to test and see if an individual is capable of doing what one must.

Hunts should not be allowed in a unit unless the unit permit holder is present in that permit unit. It only makes sense, how can a person guide if they are not present. This is very important. Absentee guiding should not be allowed. If a person cannot be in a unit while his business is taking place he should not have that unit.

Something else that would help is to make registered guides accompany assistant guides in the field. Someone with little or no experience should not be allowed to guide simply because they work cheap. I'm mainly interested in getting the guides back into guiding.

It is very important to keep from auctioning off units for money. This would only create private hunting and or the wealthy to guide. If the above ideas are put into action there should be plenty of units and a money auction should not even be considered.

These suggestions are not complete but they do go a long way in sustaining the industry, allowing equal access and protecting the resource.

Sincerely,



Brian Peterson

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NOV 22 1989

JAN FAIKS
SENATE OFFICE

Senator Jan Fails:

Legislative Task Force on Guiding & Game

I am very concerned about receiving fair treatment in the upcoming management plan recommendation.

I have been a Class A Assistant Guide for 10 years and I'm taking my Registered Guide test December 2, 1989. There was no reason for me to become Registered before because there was no areas available to guide in.

I hope that you will give equal consideration to newly Registered Guides compared to those who have had the areas locked up. I do not think that one guide should be able to book 100 hunters compared to another being limited to only a few.

Also, it's my belief that when a limit must be placed on a certain species for guides, that the number of hunters be limited instead of the number of animals taken per guide. Otherwise the quality of hunts will deteriorate because guides will attempt to lower their success

rate so that they can accommodate more hunters.

I also feel that if a Guide is given 3 Areas than he should be able to hunt anywhere in those areas (with permission) so that hunting pressure is evened out more.

If guiding pressure is deemed to be too great in a certain locality than limiting the distance between registered base camps or spike camps might be considered.

There should also be a yearly re-evaluation of guides who are either active or inactive.

Sincerely,

Butch Loper


P.O. Box 33
Cantwell AK.
99729

rec 11/28/89 via pfs

October 22, 1989

see p2 →

Mr. C. Wayne Taylor
2931 S. Kobuk Avenue
Fairbanks, AK 99709

Dear Mr. Taylor:

SUBJECT: CONCLUSIVE CONSISTENCY DETERMINATION
GUIDING OPERATIONS IN SQUIRREL AND WULIK RIVER AREAS
STATE I.D. NO. AK89101108/F

The Division of Governmental Coordination has completed coordinating the state's review of your project for consistency with the Alaska Coastal Management Program (ACMP). The project entails commercial guiding on BLM lands within the Squirrel River basin and on the Lisburne Peninsula. The primary use of BLM managed lands will consist of taking clients northwest of the village of Noatak for moose hunting and into the Squirrel River basin for sheep and caribou hunting. Spike camps will be utilized as part of this operation.

This conclusive consistency determination applies to the following federal authorization as per 6 AAC 50:

BUREAU OF LAND MANAGEMENT SPECIAL RECREATION PERMIT
(F86668)

Based on the review of your project by the Alaska Departments of Natural Resources, Environmental Conservation, and Fish and Game, and the Northwest Arctic Borough, the state concurs with your certification that the project is consistent with the ACMP.

If changes to the project, as approved, are necessary during operation, you are required to contact this office immediately to determine if further review and approval of the revised project is necessary.

By a copy of this letter we are informing the federal agency reviewing your permit of our finding.

Other Concerns/Advisories:

Policy A-1, Subsistence Priority, of the Northwest Arctic Borough's coastal management program, states that subsistence use of coastal lands and waters has traditionally been the primary and highest priority use of all lands and waters within the coastal management plan area; therefore all other land/water management uses and activities shall accommodate the use of subsistence resources in the planning, development, and operation of these activities.

Wayne Taylor

- 2 -

November 22, 1989

In the Wulik River area, subsistence activities, fish overwintering, and fish and wildlife management are priority uses; therefore, all other land/water uses and activities shall avoid adverse impacts on these areas.

Because there has been evidence of conflicts between the subsistence hunters and guiding activities, the Northwest Arctic Borough has recommended that the Bureau of Land Management closely consider complaints of disruption to subsistence activities and possibly revoke permits if there is documented interference by guiding operations.

You are requested to please pay special attention to subsistence hunters in the applied for guiding areas and not interfere with or disturb their activities.

If you have questions regarding this determination, please contact me at 451-2818.

Sincerely,

- signed -

Patti Wightman
Project Review Coordinator

Enclosure

cc: Larry Field, BLM, Fairbanks
Joyce Beelman, ADEC, Fairbanks
Simon Mawson, ADEC, Nome
Gayle Berger, ADNRL&WM, Fairbanks
Al Ott, ADF&G, Fairbanks
Dennis Tiepleman, NWAB, Kotzebue

THE ALASKA PROFESSIONAL SPORTSMEN'S ASSOCIATION
Post Office Box 190842
Anchorage, Alaska 99519

May 23, 1989

COPY

The Alaska Congressional Delegation

For some time I have been concerned with the common practice of federal land managing agencies (FWS, NPS and BLM) informally (without promulgation) regulating (limiting) traditional commercial visitor services within federal conservation system units in Alaska. This concern first surfaced while serving as a sub-cabinet officer with the Reagan Administration. Efforts to correct the problem have been frustrated with changes in leadership in Interior (both in Wash D.C and Alaska) and an unwillingness to address these issues.

The purpose of this letter is to raise one specific concern to your attention. As you know commercial visitor services have long been the only realistic means for many to visit our new parks and refuges. Commercial visitor services are a vital component of our tourism economy and one of the best examples of the "Alaskan experience" offered by Alaskans. With the passage of ANILCA the NPS, FWS and BLM have wrestled with mechanisms through which to allocate fish, game, public waters and recreation (space/access) resources for human enjoyment. The many management plans prepared over the past seven years set a framework for management in the agencies application of new law to Alaska resources. Commercial visitor services were expected to be grandfathered in so long as their activities were consistent with the purposes of the conservation system unit and not in conflict with ANILCA. As you know, better than most, ANILCA broke new ground in recreational resource management changing many of the older practices of the NPS, FWS and BLM and establishing a management philosophy more recreation oriented than in many other federal areas.

Two of the most basic of resource allocation and management concepts is fair and equal access and resource allocation based on biological compatibility under sustained yield management. This is not only consistent with the intent of Congress in ANILCA but directly consistent with Article VII, Section 3 of our Alaska State Constitution.

For the first time since Statehood the Alaska Supreme Court has issued a ruling on the meaning of this unique and important section of our State Constitution. The Owsichuk decision not only invalidated Exclusive Guide Areas it provided important insight into the intent of the drafters of Article VII, Section 3. Commercial users must now be considered a user in the common use clause. Prior use and economic value can no longer be used as a bases for allocation or access restriction.

This important decision is applicable to federal areas in a number of ways. All fish and wildlife resources, other than marine mammals and some species subject to international treaty, are under the management of the State of Alaska. This was reinforced by the Master Memorandum or Agreement signed by the Secretary of Interior and the Governor of Alaska on the management of Alaska's fish and wildlife in 1981. It has been recently reinforced by memoranda of federal land management agencies stating that those agencies will await State resolution of this regulatory redirection before adjusting their management practices. The Supreme Court decision is now close to six month old and yet it has not brought about change to the basic problem of federal agencies regulating (again informally) access and resources based on seniority (prior use).

In 1984 the U.S. Fish and Wildlife Service imposed a moratorium on new commercial visitor services or expansion of existing services on the Togiak Refuge. This action was taken in response to a perception of increasing demand for guided sport fishing in the refuge. To date, according to the U.S. Fish and Wildlife Service in Anchorage, no formal regulatory action has been taken. Only memorandum from the Regional Director. This moratorium has been in place now for almost six years.

Allocation of access and resources which since passage of ANILCA has been illegally based on seniority is being further restricted by the refuge manager causing serious economic hardship on fishing guides and lodges that depend on a reasonable opportunity to take their clients into this world class area. Allocation of access and use continues to be based on prior use (seniority). And yet, not one single regulation has been promulgated which has allowed users an opportunity to exercise their rights under the Administrative Procedures Act. Please understand that a management plan is not a formal regulation. It can, along with the enabling Act set a basis from which regulations may be promulgated - but it is in itself not a formal regulation.

The Aleknagik Mission Lodge has been the most adversely impacted commercial visitor service by this discriminatory action. I have discussed this situation with the Pacific Legal Foundation and with the Alaska Citizens Advisory Commission on Federal Areas and have found agreement with my position that the 1984 moratorium and present allocation actions of the U.S. Fish and Wildlife Service are illegal, discriminatory and a violation of the Alaska State Constitution as well as the Federal Administrative Procedures Act.

One of the things I learned while serving on your staff and with the Office of the Secretary of Interior is that a policy is not a Policy unless it is formally promulgated in the Federal Register. Informal regulations have no basis for enforcement if not formally promulgated allowing notice, comment and due process.

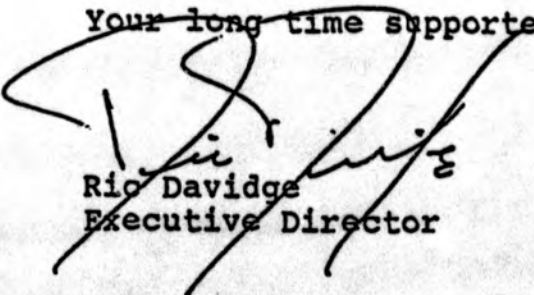
This situation is, as I have previously stated, causing serious economic hardship on Jim and Mary Broady the owners of the Aleknagik Mission Lodge. Your immediate intervention is requested.

I have accumulated a great amount of information on this case and the general problem not only for the Togiak Refuge but for the overall problem of informal regulation and resource allocation based on

seniority. Not only would I appreciate a Congressional inquiry through the Secretary of Interior but an opportunity to discuss this matter with you or your staff. Please remember this problem is not isolated to Togiak but is generic across federal conservation system units.

You may reach me in Seward by phone (907) 224-7020 (7am-7pm). I am assisting with the oil spill clean up as an environmental compliance professional.

Your long time supporter,



Ric Davidge
Executive Director

ON THE ISSUE OF USER'S FEES...

Alaskan guides are not taking resources from Alaskans, they are providing a service in the tourist industry. Non resident hunters pay an enormous tag fee which should cover a "users fee".

Alaska maybe in an economic slump and the state may feel this lack of revenue, but no more so than the small business operator, the Alaskan guide. The state should be warned against undue taxes and fees to supplement their over spending.

ON THE ISSUE OF GUIDE'S INSURANCE:

It seems like the fix-all of all state departments is to require insurance. The guiding industry is a private business. It should be up to those private businesses whether they can or cannot provide insurance. The state could provide names of guides who do provide insurance to the consumer. Then the state would be doing its job by letting the consumer and the business work things out privately. When the state interferes by mandating such insurance requirements, one can only feel that the state is giving the insurance industry more than its fair share of revenue at the expense of both consumer and business.

Insurance today is not economically feasible for the small business man and it is upsetting that the state is giving this overpriced industry such favoritism.

Requiring insurance is not a fix-all; to protect the guiding industry and the resources involved the state needs to give the state licensing agency the control to set and maintain high, professional standards and requirements so that the Alaskan guiding industry can stop being a free-for-all and become a professional, and accountable service.

In conclusion, the new board was set up to solve problems relating to guiding and outfitting, and to preserve the industry and the resource. Now, all I see is insurance requirements and user's fees. Once again the state is passing the buck while taking a little under the counter. Let's work together to make us proud of both the control board and Alaskan guides.

Frankly Mark Miller

MARK MILLER
Box 273627

11-20-89 Proposal of Changes to Guide Industry.

Item #1.

The change from Mandatory Guides for non-dangerous species of game for non-resident, U.S. citizen hunters. (Guides mandatory only for)
Brown / Grizzly Bear Species.

Item #2.

The change ^{to} from Mandatory Guides for non-resident, alien hunters for all species of game in Alaska.

Item #3.

Permit time limits for the U.C.U.'s to be not more than a 5 year maximum, which would keep a closer system of monitoring each unit.

Item #4.

Any game violations and convictions by guide/outfitters would have an immediate dismissal from U.C.U. area for remaining time period allotted by the C.S.B., plus an additional 5 yr. dis-qualification period to apply for that and any other U.C.U. area.

Item #5.

If determined by the A.D.F. & G. that a U.C.U. area has been over-harvested^(PER SPECIES), that the Guide/Outfitter be held as a non-qualifying applicant for other areas^(5 YR. PERIOD), and that the U.C.U. in question, be closed for bidding for a period of not less than 5 years.

{ In case of a joint-use area, all guide/outfitters in question would be dis-qualified.

Item #6

That the proposed "bonus points awarded to an applicant not be included in the qualifying process."

Note { This would give an unfair advantage to "established" guides over the "new starters" in the industry.

Item #7

That in the case of willful abuse of a U.C.U. awarded to an applicant, that the state may seek monetary damages against said applicant, besides 2-yr qualification period.

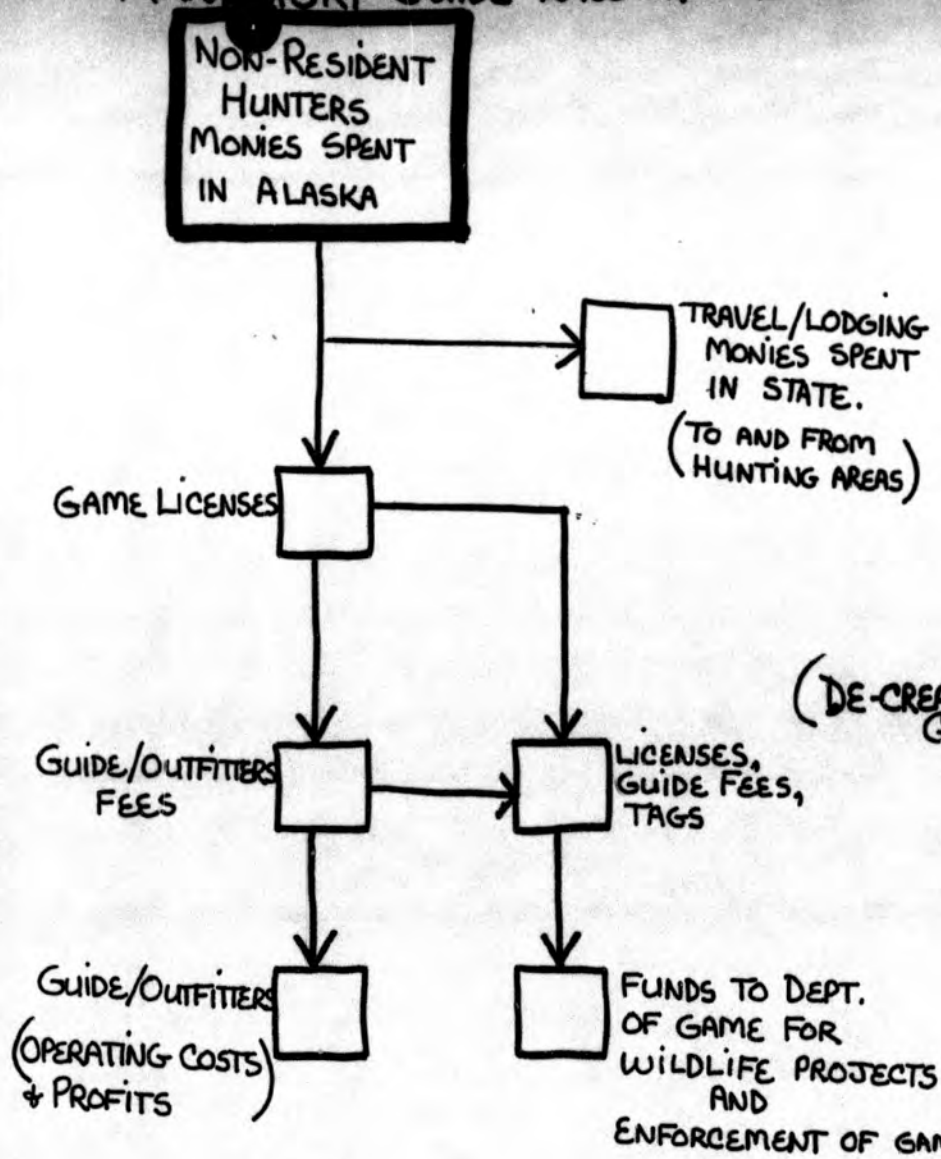
Item #8

That all airfields, and un-improved airstrips be open for public use within the said U.C.U.'s on public land.

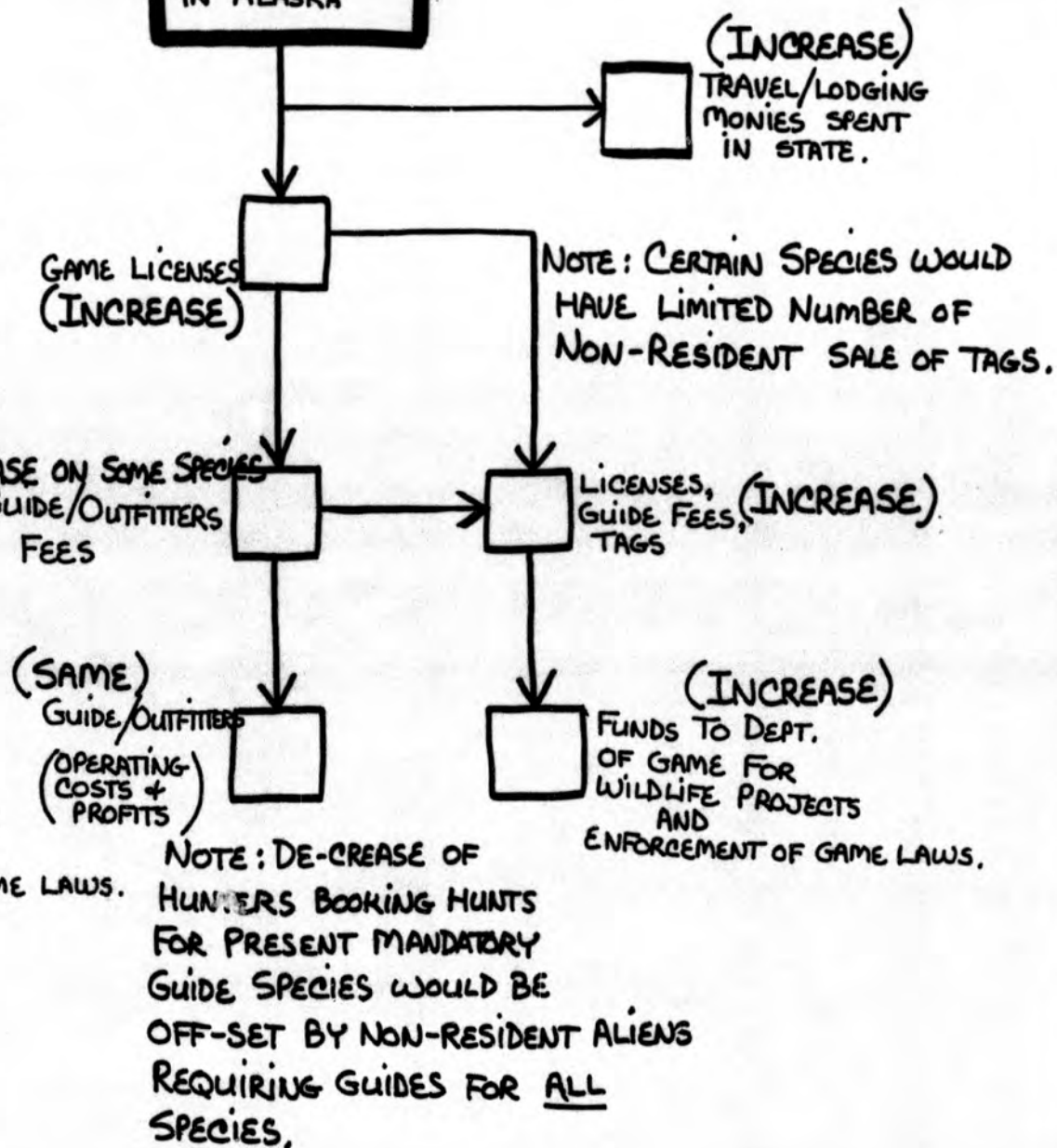
Consideration - The state will buy the said lease on holdings at a fair percentage from the holders, then lease local buildings etc. to other applicants for training.
Summary

The general outline of this proposal to be a fair, equitable, and secure process for establishing a durable and lasting guide system. So which and will promote not only better wildlife management in Alaska, but will enhance the guiding industry here, and set an example for other states to perhaps follow.

MANDATORY GUIDE LAW AT PRESENT



MANDATORY GUIDE ONLY FOR NON-RESIDENT ALIENS, AND BROWN/GRIZZLY CAR FOR ALL NON-RESIDENT HUNTERS.



North Country Outfitters
John Zabielski
Registered Guide
P.O. Box 453
Tok, Alaska 99780

RECEIVED

NOV 20 1989

JAN FAIKS
SENATE OFFICE

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks:

In reference to your notification of October 30, 1989 pertaining to the Legislative Task Force on Guiding and Game, I do have some comments.

I operate a small operation in which a good season to me means a sheep hunt, moose or caribou hunt, and a bear hunt. My hunts are fair chase, walk, spike camp, esthetic type hunts. I have been a registered guide since 1983; an assistant guide since 1977.

The problems I face are as follows:

I do not put on enough hunts to qualify for an exclusive area under the old system. I found it hard to impossible to find open areas that remained that way once I used them as they were usually claimed and added to already large exclusive areas held by guides that did qualify under the old system.

As for the federal land, I hunted both the park and refuge system in Units 12 & 10 before the parks or refuge managers actually took control. I did not hunt every year and I did not acquire permits they now say I should have. So, since I did not hunt in 1988 on refuge or park lands and did not acquire a permit for that year, I am told I cannot hunt on those lands in 1989 or 1990 and perhaps never.

As for a large part of state land that is open same day airborne shooting, unfair chase and illegal practices limit the places I feel I can still put on what I like to think is an Alaskan hunt.

In short, I hope small operators like myself are given some consideration in the final recommendation. We need areas to hunt as we are trying to make a living also.

Sincerely,

John Zabielski
John Zabielski

Dinyee
P.O. Box 71372
Fairbanks, AK 99707-1372

November 20, 1989

Legislative Task Force on Guiding and Game
Sen. Jan Faiks, Chairman
31111 C Street, Suite 525
Anchorage, AK 99503

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NOV 22 1989

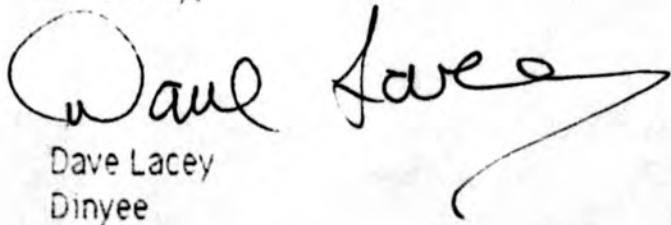
JAN FAIKS
SENATE OFFICE

Dear Sen. Faiks,

Dinyee is writing to give comments to your task force on Guiding and Game. Dinyee is the village corporation for Stevens Village located on the Yukon River. The moose population in the area is severely depressed and in a conservation system now. The local people attribute much of the scarcity of moose to the fact that there were a lot of airplane hunters in the area in the mid seventies. Because of that airplane hunters are forbidden on Dinyee lands except in cases of emergency.

The big game guiding industry has dominated game management in Alaska for a long time. Dinyee feels that other interested parties should have equal consideration. Many abuses of wildlife have occurred as a part of the big game guiding industry because animals are just considered as dollars with no other value. To wipe out the subsistence economies would be very costly to the State of Alaska. Please manage the big game guiding industry very conservatively. As the boom gets over, the crunch becomes greater for the competition for wildlife in Alaska. It is obvious that the game guiding industry is the one that will have to make the sacrifices. Trophy hunting is a luxury that is becoming more controversial world wide and nation wide. Let's begin to cut back on our economic reliance on it now by reducing the areas available and easing off on the impacts upon the subsistence economies. Don't encourage new people to get into an industry that does not have a bright future.

Sincerely,


Dave Lacey
Dinyee

ELIM · NATIVE · CORP.



November 17, 1989

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NOV 21 1989

JAN FAIKS
SENATE OFFICE

Senator Jan Faiks
Ak Legislative Task Force
3111 C Street, Suite 525
Anchorage, Ak 99503

Dear Honorable Faiks:

Thank you for your letter of 10/30/89 informing us of the big game management plan.

The Board of Directors of Elim Native Corp. oppose all guiding and game hunting on our land, and if there is any activity near Elim Native Corp. lands (formerly known as Norton Bay Native Reservation), we would like to be made aware of it ahead of time.

Thank you for your attention to this matter.

Sincerely,

Wallace Amattoolik Jr.

Wallace Amattoolik, Jr.
Vice-President

WA/hjd



First Federal Bank

of ALASKA, S.B.

Spenard Office • P.O. Box 92200

Anchorage, Alaska 99509-2200 • (907) 274-6565

November 15, 1989

Mr. Keith Johnson
3646 N. Point Drive
Anchorage, Alaska

Dear Keith:

You have asked me to write you a letter summarizing our conversation of the other day. In that discussion, you asked for a banker's perspective on proposed changes to the State's guiding laws that would *"limit the initial term on a specific guiding area to five years with one possible renewal of ten years"* subject to prudent management of the area. Physical structures would be allowed on holdings in these areas on leased land with up to 55 year leases available on these parcels.

The concern I have, as a banker, is that even though the area with the most physical improvements would be on a 55 year lease the *"economic value"* of this property would be greatly dependent on the shorter terms of the *"guiding area."* All other things being equal these shorter terms of five and ten years would govern any lending for leasehold improvements. This short lending term would, of course, tend to restrict the quality and size of improvements as well as increasing the cost to pass on to clients.

I hope this letter is sufficient for your purposes. When we spoke you did not have actual draft regulations, so I wrote this on a *"what if"* everything else being equal basis.

Sincerely,

John D. Carman
Senior Vice President
Retail Banking



RECEIVED

NOV 13 1989

JAN FAIKS
SENATE OFFICE

P.O. Box 54

Nikeyuk, AK, 99630

Nov 5, 1989

Legislative Task Force on Guiding & Game
3111 C. Street, Suite 525
Anchorage, AK, 99503

Dear Sirs,

The subsistence users must have the
1st chance to use the wild game, other
state residents should have the second
chance and the 3rd & Rich Alaskas
sports ~~and~~ hunters should get the
excess wild game.
Private land owners must have some
degree of game management on their own.
Develop game management which is acceptable
with the state game management.

Sincerely Yours,
Samuel Smith

KWETHLUK INCORPORATED

P.O. BOX 80
KWETHLUK, ALASKA 99621
(907) 757-6612 or 6613

RECEIVED

NOV 13 1989

JAN FAIKS
SENATE OFFICE

November 09, 1989

Senator Jan Faiks, Chairperson
Alaska Legislative Task Force on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

Dear Honorable Senator Faiks:

I thank you for your notice of your Task Force on Guiding and Game meetings.

For the record, our Joint Group comprised of the Kwethluk IRA Council, the Kwethluk City Council and the Kwethluk, Incorporated Board of Directors have been opposed to both sports fishing and game guiding in our Corporation's land selected area and those traditional, customary subsistence hunting, fishing and trapping land areas in the Kilbuck/Kuskokwim mountains. As is common throughout the Southwest Yukon-Kuskokwim Region, we basically are a subsistence way of life Alaskans. As such, we do not practice or approve of "catch and release" of fish caught by sports fishing as appears to have been the practice on the Kanektok River on the lower section part of the Kuskokwim River nor do we practice or approve of wanton waste of big game meat.

In addition, Mr. Mike Coffing, Subsistence Specialist, Bethel, Alaska, has been doing an extensive survey of our traditional and customary hunting, fishing, trapping areas in which are included the various fish and game traditionally sought. By copy of this letter, Mr. Coffing is respectfully requested to provide you the necessary information if he feels that it is pertinent to your committee's task.

In behalf of the Joint Group, I thank you again for your notice sent to us.

Sincerely,

Phillip Guy
Phillip Guy
Land Planner

cc: Mr. Mike Coffing, Subsistence Specialist, Bethel
Honorable Senator John Binkley
Honorable Representative Lyman Hoffman
Mr. Kim Francisco, Biologist, Bethel
Mr. Ron Perry, Manager, Yukon-Kuskokwim National Wildlife Refuge
Mr. John Coady, Regional Supervisor, Nome
Ms. Elizabeth Andrew, Regional Supervisor, Division of Subsistence, Fairbanks
Kwethluk IRA Council
Kwethluk City Council

Homer, Alaska

Nov. 9, 1989

Sen. Jan Faiks, Chairman
Legislative Task Force on Game & Guiding
6060 Yukon Drive
Anchorage, Ak. 99516

Dear Sen. Faiks:

I attended the Teleconference yesterday in Homer and planned to testify but finding the topic of conversation was mainly ~~going~~ going over the narrative on new guide areas, and the docette being quite full, and my topic was a different problem. so I decided to write you ~~via~~ this letter instead and let you bring it up to the Task Force.

You see I want to talk about the "Commercial Use Permit", Now called "CUP", and the having to pay even if one is not guiding.

I've written the State, one Senator & one Representative to no avail. The one Rep. told me the idea of the "CUP" is, that those using the resource should help pay for the costs. Why then is there not a "CUP" for fishing, mining & etc. I think this is discriminatory.

To get a guide license you don't just go buy one because you want one, like fishing & etc., but it takes 3 to 5 years to get a Registered Guide license, what with meeting the requirements and passing tests, and at least 12 years before you can be a Master Guide, plus pass strict criterion. Why then should those guides, who are not guiding for a year or so, have to pay the CUP fee or forfeit there guide license?

By the ver name, "Commercial USE Permit", it indicates PAY TO USE and I personally don't ha any problem with that but to charge those not using then I do nave a problem with that.

My personal situation is, I'm a Master Guide and have been for many years. I'm retired, sold my business so no longer use the resource. I am willing to pay the license fee to maintain my Master Guide license, for sentimental reasons, (I was in the guiding business back when it was an honored profession). Now I'm told I have to pay this CUP fee also or forfeit my license. I think this is wrong. I hope you can , please, do something about this.

Sincerely yours,
"Fake" John H. McLay
John H. McLay

Box 754

Homer, Alaska 99603

November 9, 1989

Senator Jan Faiks, Chairman
Alaska Legislative Task Force on Guiding and Game
P.O. Box V
Juneau, Alaska 99811

Dear Senator Faiks:

Thank you for the opportunity to address my concerns to you and the Task Force regarding licensing and guiding in the State of Alaska.

First of all by way of background, my name is Gordon Windell, Registered Guide and Outfitter, License number AA 12. I have been a resident of the state since 1950. I was an assistant guide from 1960 until 1965 when I became a registered guide.

From 1981 thru May of 1989 I worked as a pilot for King Air in Naknek, Alaska owned by the late Ed King. In June of this year I formed my own Air Taxi. I currently hold a Commercial Use Permit, Transporter's Permit, Special Use Permit (for transporting only) from U.S. Department of Fish & Wildlife, a Certificate of Financial Responsibility from the State of Alaska, an Air Carrier Certificate from FAA. With all these licenses and permits I was precluded from guiding for big game this past season. My Air Taxi currently does some survey flying for the Alaska Department of Fish and Game King Salmon Office and some survey work for the biologist in Dillingham. As you can see I am not a novice or newcomer to the subject of game and guiding.

I would like to sketch some background for you on the history of Big Game Guiding in the state, particularly as it pertains to the Guide Board.

I was a staunch supporter of Exclusive Use Areas at their inception. However, over a period of years I have become very disenchanted with the Cronyism that has crept into the system. To be more specific, early on a select few guides formed APHA, Alaska Professional Hunters Association. Many of our numbers, not being politically astute, allowed the situation to continue. Over the years their members have effectively controlled the guide board, in some instances the President of APHA also chaired the Guide Board. I found this to be a direct conflict of interest, yet could find no one to hear my grievances. I will not go into specific abuses at this point.

One of the big problems I have had with the system is finding out what is going on. There doesn't appear to be a mailing list to inform all guides of upcoming meetings or legislation affecting their profession. Since I live in Naknek I have limited access to any public notices that might be published in an Anchorage newspaper. Last spring I

learned about a Task Force meeting on the day it was being held. Numerous phone calls to Anchorage and Juneau to inquire how I might participate resulted in my being told it was too late to get on line with a Teleconference hook-up. I was however assured that I would be sent a copy of all material covered at the Task Force meeting. Nothing was ever sent to me from that meeting.

The Bristol Bay Borough has in the past allowed another local guide to remove the Teleconference equipment from the Borough Building and take it to his residence. I was informed by the then Borough Manager on two occasions that I could call that guide to arrange participating. This was totally unacceptable as that particular guide is one of the problems.

Now that I have covered some personal gripes let me address the broader problem. Let us assume that the Supreme Court did not make a mistake in the Owsichuk decision. Mr. Owsichuk's treatment by the guide board created the situation that led to the Supreme Court ruling. I have much sympathy for the man, as I have had similar treatment from the guide board in the past. Unless you belonged to this very select group, APHA, you did not get fair treatment from the guide board, especially where guide areas were concerned.

In last night's teleconference much of the testimony by guides seemed to center around the preservation of the old system. The major concern of many of those who testified was protecting their large investments in real estate within their guide areas, some of it on private land but for the record, many of these so-called lodges are on public land. Let me point out to the Task Force that their complaints are not dissimilar to the individual who, for instance, purchases a property, be it gas station, mall or whatever and sinks vast sums of money into development of that property. In our scenario the state or federal government comes along and moves the highway 20 miles away. That real estate holder and his investment are left high and dry.

Let me draw another parallel for you. Say that the commercial fishing industry after issuing limited entry permits to the fishery determined that only those fishermen who previously owned a \$250,000.00 vessel were qualified to participate in the fishery. Obviously that type of decision would exclude many well qualified fishermen who did not presently have a boat of that size, even though they could fish with a \$50,000 vessel and earn a living. I sympathize with anyone who faces financial loss, but, be aware, many of us, equally well qualified guides have taken a financial loss over the years at the hands of the individuals who have had a stranglehold on the guide board and guide areas.

After all my complaints about how the system has failed to work in the past, I would like to offer what I believe to be an equitable solution to the problem. I believe that control of the system needs to be kept outside the profession to a degree, as the profession has demonstrated its inability to treat all licensees equally. Therefore it is imperative that those individuals who set on the Commercial Services Board be knowledgeable, fairminded people. My question is how was

this board selected? By whom? If these appointments were made by the governor then how does one learn when a seat comes up for review?

A harvest tag lottery type system for the taking of Big Game, (bear, sheep, moose and goats) must be established. These tags should be issued by a computer controlled program based on random selection, thereby eliminating the possibility of human intervention, favoring one faction or the other, such as we experienced back in the late 60's and early 70's with the fiasco surrounding polar bear permits. Application for a harvest tag should require a non-refundable fee of at least \$50.00 to eliminate non-hunters or non-serious hunters from making application and sucking up all the permits. Further, in the case of non-resident hunters a hunter must demonstrate within a given time period that he or she has booked a hunt with a guide, thereby eliminating possible clogging of the system by en. ironmentalists types.

The local biologist should establish the level of harvest in each unit. (For the most part these biologist have a better handle on the game population then does the general public or guides, as many guides only go into their areas during the hunting season). For instance a determination that the optimum harvest in a specific area would be 15 moose. It would be necessary to determine how many moose permits would be purchased by resident hunters. Should residents purchase 7 moose harvest permits for the area there would be 8 permits available for nonresidents requiring a guide.

Since we are dealing with a game management situation here we need to also remember the subsistence hunter and resident hunter have first choice. I believe, knowing that guides veiw the animals in their area as a dollar sign, there will be little incentive for a guide to play fair with resident hunters under the proposed plan, as stated in the Memorandum to the Task Force, Page 3, paragraph 2. Such a recommendation shows total naivete on the part of the individuals who drafted the proposal. Guides are not going to willingly allow someone else to take a trophy animal that could be worth \$10,000 to them if taken by one of their clients. Resident hunters need to be protected from the guides. Over a period of time I have witnessed numerous situations where a guide has spoiled a resident's hunt simply because he didn't want anyone hunting in "his area". It doesn't seem to make a difference to the guide that their is adequate game in his area, he just doesn't want anyone else on his turf.

On Page 1, paragraph 2 of that document it is stated that "Chaos previously existed". I believe without a harvest tag system there will be more chaos if not open warfare in the field if the proposed plan is adopted..

Under a harvest tag system the small operator, be he semi-retired or new to the game, who wishes to guide on a limited basis has the opportunity to do so. The larger operator also has the opportunity to remain in his "lodge" and pick up the hunters being qualified for hunting in that area. Over time the hunter will be allowed to make the determination of who is the best qualified.

This method would also effectively control the problem addressed during testimony by some guides that air-taxi operators are "dumping" large numbers of hunters into their areas. This has been a real problem. I have seen the same thing happening here on the Peninsula. With a lottery harvest permit type system controlled by Fish and Game this would control that problem, as only that number of hunters an area could support could go into the area to hunt. Lets be honest. Are we concerned with conservation and management of a resource or only protecting our own selfish interests?

Any type of assigned area for guides will not be legal. The Supreme Court has already ruled on that point. The proposal as it is drafted now is an attempt to protect the old guard and reestablish the same system under a new cloak. With a harvest permit system equal opportunity is given to each guide. I believe the statement in the Memorandum, Page 2, paragraph 2, (i.e. an individual who must rely on a specific area for a number of years is unlikely to decimate the resource he depends on)" is naive. If, as other guides stated in testimony last night a guide knows he will likely be bounced out of an area after 5 or 10 years their is little incentive to practice sound conservation and game management. A harvest permit system would eliminate the temptation by unscrupulous guides to overhunt an area near the end of their tenure in a specific area. The harvest in an area would be based on a biological study, rather than a monetary cycle forced on a guide during his limited stay in an area. A harvest permit system such as is used in other states would eliminate many of the problems. I do not understand this states reluctance to adopt such a program, since it works in other areas. The "good old days" are gone. its time to move on to a more equitable program.

One of the problems I addressed in my testimony yesterday was the protectionist tactics practiced by some guides. This fall two parties of resident hunters set out for bear and caribou were harrassed one party by a guide who claims the area, the other party of hunters by a fly-by-night outfitter who does not have a guide/outfitter license or any of the other required licenses to be flying hunters. I was informed he had an interim use Transporter's Permit, when I complained to our local Fish & Game Enforcement about his illegal activity. To the best of my knowledge no effort was made to investigate his activity. I did not see anything in the regulations permitting "interim use permits".

This same so called outfitter last year dumped large numbers of hunters into the Becharof area. The population of bear and moose was virtually wiped out. Fifty bear and 52 moose were taken out of this area. In my aerial survey flying for ADF&G I have a good handle on the game population in different areas and I am appalled that such a situation as this is allowed to exist.

I was unable to guide for bear this past season as U.S. Fish and Wildlife would not grant me a permit to hunt in the preserves since a "Catch 22" exists. I had not met the arbitrary requirements of hunting the previous year in these areas, even though, as a matter of fact I signed the bear contracts for the King family. Following Lc's

death, as the sons did not at that time have the necessary licenses for the hunters their father had booked prior to his death. I was told this did not count.

Having been around this state for many years it is my understanding that one of the conditions, provisions or concessions made by the Federal Government at the time of Statehood was that management of the game within the state would remain with the state. It seems to me the Federal Government overrules the Alaska Supreme Court when they issue Special Use Permits to only those who held exclusive guide areas prior to the Supreme Court decision and deny me the opportunity to guide in the preserves. I believe that every effort should be made to maintain control of game management by the state without interference from the Fed. In other words, if sound game management is the objective let's eliminate all these levels of bureaucracy. In talking with our local Federal Fish and Wildlife officials one gets the feeling that they are going off on their own tangent where game management is concerned. It is time to reclaim the controls the state was given at time of statehood. I believe that you instantly put any guide who has not established his area within Wildlife Refuge Lands at a disadvantage, by requiring the applicant to obtain authorization from the U.S. Fish and Wildlife Service, (as required on page 10, paragraph numbered 7).

At this point in my life I do not wish to pursue guiding as my main source of income, a determination I made in the past several years due to the uncertainties surrounding the industry. However, I do feel my rights and the rights of all other licensed guides, young or old, should be protected. I have guided for Polar Bear, Brown and Grizzly Bear, Black Bear, Dall Sheep, Moose, Caribou and Mountain Goats over a period of years since 1960. I am at an age where I cannot wait around 20 years to have this situation resolved, as the number of years I intend to guide is certainly limited.

If the Task Force is to help all the people, be they resident hunters or guides, they had better go back to the drawing board with their proposal. Better that more time is spent on drafting the package than to give us something that cannot possibly work or be upheld by the courts. Why, as was stated at the teleconference, are you so eager to get this matter back in the courts? Do it right and it won't have to go to the courts again.

I appreciate your offices help in Faxing the information to me, How the Game Management Proposal works, etc. Unfortunately I was told by one of your staff when I requested this information and requested that I be put on a mailing list for all relevant material that "this was not his job and there was no time to develop mailing lists". That statement by a member of your staff bears out my earlier contention that there is a lack of communication in the area of guiding which precludes participation by all the guides. This matter needs to be looked at and addressed. There should be a master mailing list which everyone works from with any information regarding guiding.

I appreciate very much your efforts to resolve a situation that is not strictly speaking, a problem created by the legislature. While I have no quarrel with professional organizations I hope you will bear in mind as you develop and finalize these guiding regulations that there are many guides out here that would like to be heard, if they were only given the opportunity.

Regards,

Gordon E. Windell

cc: Governor Steve Cowper
Pete R. Buist
Randall T. Burns
Vernita Cassidy
Ralph L. Eluska, Sr.
Ken Fanning
Phillip Gilson
Robert A. Hinman
Lyman Hoffman
Matthew Iya
Paul E. Johnson
Mike Navarre
W. Lewis Pamplin
Nick Pierskalla
Richard Stern
Glen Alsworth
Art Clark
Michael J. Doody
Stephen T. Manay
Sharon McClintock
Remie N. Murray
Samantha Castle
Clark Whitney

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

November 7, 1989

The Honorable Jan Faiks
Alaska State Senator
Chairman, Legislative Task
Force on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks:

You have asked us whether fees generated by a concession type system for allocating access to big game hunting opportunities among guide-outfitters may be automatically deposited (i.e. without legislative appropriation) into the Fish and Game Fund. Our answer to this question is no.

The Fish and Game Fund was established as a funding source for carrying out the purposes and provisions of Title 16, Alaska Statutes. AS 16.05.100. The composition of the Fund is provided for in AS 16.05.110. This statute says that, in addition to money appropriated by the legislature, the fund may receive money from particular sources as well as "money from any other source". AS 16.05.110(6). Because concession fees do not satisfy any of the particular descriptions, they could only come in under the catch-all provision.

Automatic deposit, however, must be examined in light of article IX, section 7 of the Alaska Constitution. This section generally prohibits legislation that dedicates revenue to special purposes. It does, however, allow some limited exceptions and exemptions. The section provides in full:

The proceeds of any state tax or license shall not be dedicated to any special purpose except as provided in section 15 of this article (i.e. the Alaska Permanent Fund) or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes on the date of the ratification by the people of Alaska (i.e. on April 24, 1956).

We have interpreted the term "proceeds of any state tax or license" to apply generally to all public funds. See 1975 Op.

STEVE COWPER, GOVERNOR

REPLY TO:

- ☐ 1031 W 4th AVENUE SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550
FAX: (907) 276-3697
- ☐ 1st NATIONAL CENTER
100 CUSHMAN ST. SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 452-1568
FAX: (907) 456-1317
- ☐ P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 463-5295

The Honorable Jan Faiks
Alaska State Senator

November 7, 1989
Page 2

Att'y Gen. No. 9 at 16 (May 2); 1982 Op. Att'y Gen. No. 13 at 7 (Nov. 30); see also State v. Alex, 646 P.2d 203 (Alaska 1982). Thus, the prohibition against dedicated funds would apply to concession fees unless they fall under one of the exceptions or exemptions contained in this section of the constitution.

The exception for the Alaska Permanent Fund and the exception for funds required by the federal government for state participation in federal programs would not apply to concession fees. Therefore, the only remaining issue is whether the exemption applies, that is, whether an automatic dedication of the concession fees to the Fish and Game Fund would be a continuation of a dedication that existed on April 24, 1956, the date that this constitutional section was ratified.

The pre-statehood predecessor to the Fish and Game Fund was the "Fisheries Contingent Receipts Fund" established by the Territorial Legislature in 1953. In this fund, there is only one specific dedication. There, funds "received in settlement of a claim for damages to the fish and wildlife resources of the Territory" may be "expended for the protection, rehabilitation, preservation or conservation of such resources." Sec. 3, Ch. 64 SLA 1953. We have found no instance, however, where fees collected from guides for access to big game hunting opportunities were dedicated to a fund for fish and game purposes prior to the ratification of Article IX, section 7 of the Alaska Constitution.

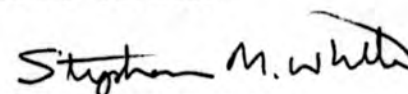
Although we conclude that legislation that automatically dedicates concession fees to the Fish and Game Fund would be unconstitutional, there is nothing that prevents the legislature from annually appropriating these fees to the same purpose. This can be achieved by identifying the fees as an appropriation source and accounting for them as "program receipts" as they are collected.

We hope this answers your question.

Sincerely yours,

DOUGLAS B. BAILY
ATTORNEY GENERAL

By:



Stephen M. White
Assistant Attorney General

SMW:jf

ALASKA WILDERNESS EXPEDITIONS

Kevin Fitzgerald
P.O. Box 375
Talkeetna, Alaska 99676
(907) 733-2704

page 1 of 2

Nov. 5, 1989

RECEIVED

To: Task force on guiding and game, Sen. Jan Faiks chairman

NOV 13 1989

Sen. Faiks, members of the task force;

JAN FAIKS
SENATE OFFICE

My name is Kevin Fitzgerald, I am a resident of Talkeetna Alaska and have been since 1974. I am a registered voter as well as an active taxpayer, a member of the Talkeetna ambulance service (volunteer EMT-I) and I have been a registered guide since 1984 and have professionally guided big game hunters in Alaska since 1978.

I was awarded restricted guide area I3-53 by the governor appointed guide board in 1985 and have actively run that business yearly since then. I was awarded that area after having contracted to purchase the business and improvements (3 cabins) for \$65,000.00, I made my final payment in May of 1988. Restricted guide areas were abolished shortly thereafter as being unconstitutional, rendering my investment to a worth of 0 (zero). As it stands right now I have permits to guide within the geographic boundaries of former guide area I3-53 with Cook Inlet Region Inc., Tyonek village corp., Knik-Atau native corp. and the Bureau of Land Management. These permits are non-transferable.

My point is that I am a proven resident and will remain a resident as long as I can support myself and family, I employ 6-16 Alaskan residents yearly, my business generates a considerable amount of income and revenue to other businesses as well as tens of thousands of dollars to the Dept. of fish and game in tags and licenses. I always have and always will adhere to all laws, statutes and regulations of the state of Alaska, fish and wildlife service, private landowners, and all other agencies I deal with in the course of my profession. I entered the business as the only alternative to steady employment in Talkeetna, and I entered in good faith that the system implemented by the state of Alaska (restricted guide areas, the tests and requirements of the licensing process) were a very necessary part of an industry dealing with a public resource which needed protection from over zealous exploitation and the assurance that the resource would provide a livelihood for many and the enjoyment of all for generation after generation. It was plain to me that the concept of restricted guide areas was not only the answer but was indeed successful in fulfilling this goal. Needless to say the Owsieck decision left me feeling very disheartened and disappointed in the state of Alaska and the Judicial system, as well as very apprehensive as to the result it may have on the health and continuity of our big game populations.

I urge the Task force to consider these points in the decision making process, both for the benefit of our resources and the grass roots industry which thrived under the control of a restricted guide area concept

- 1) Leave the industry in the control of Alaska residents
- 2) Form a system which allows for the return of investments by sale of improvements or/and permits (as like limited entry permits used in commercial fishing). If this means a vote for a constitutional amendment, LETS VOTE.
- 3) Please have the wisdom and foresight to form a system which will protect our resources as well as the livelihood of so many rural (as well as urban) Alaskans.
- 4) Please consider the fact that the restricted guide area concept was fulfilling points 1,2,3.
- 5) Please consider the fact that the abolition of the restricted guide area concept opened the resource to exploitation by nonresidents as well as unscrupulous individuals who may now move throughout the state with impunity and with no regard to the wildlife or the practice of sustained yield

All interested parties in the guide industry realize the problems the task force faces. If we all work together I am confident we can come up with an equitable system where-

continued on page two

Fully Rated • Licensed • Insured

Dave Wendat

13680 Kaven Street 9955

345-0117

Opinion:

Does not feel that Sheep should be a kill for the subsistence hunter. They are not hunted for their meat & are difficult to hunt... entails climbing & tracking.

Should mandate that out-of-state hunters should be allowed to hunt all game or no game - Make it all or none, not just specific animals.

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*NO need to call just left his



BROOKS RANGE ADVENTURES

Art Andreis, Registered Guide
Lou Andreis, Assistant Guide
P.O. Box 55818
North Pole, Alaska 99705
(907) 488-2352



Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding & Game.
3111 C St., Suite; 525
Anchorage, Alaska 99503

11-3-89

Dear Senator Faiks,

During the first week of October, 1989 I attended the Task Force meeting in Anchorage. After considerable discussion the Task Force process finally evolved into two formats. One considered the use of U.C.U.s, UNIFORM-CODING-UNITS as potential guide area assignments either in singular form or in multiples to form these potential units or guide areas. The second discussion was provided by Mr. Bill Horns Office and centered around how best to initiate this proposed program. He then broke down his thoughts into the below listed four areas.

- 1.) Limitation Rationale.
- 2.) Open Competition.
- 3.) Award Criteria.
- 4.) Permit-License-Concession Conditions.

Of the above listed four I have strong concerns over numbers two & three. The reason for my concerns is due to the Supreme Court Decision, the Common Use Clause. Because of this decision all guides must have equal access to any new guide area concept. To have open-competition and a fair award process then we must comply with the Supreme Court Decision. This brings me to a regulation which is still current under 12AAC-38.200-c. Restrictions To Districts; This reads that a guide licensed under A.S.08.54, as of June, 28, 1974 is restricted to guide in those districts for which he was certified as of that date. And, d, Reads; No guide may be certified for more than three districts as of that date.

DISCUSSION: For one thing, guides are now limited to three Game Management Units, not Districts.

However, the problem is this. Prior to 1974 many guides were licensed for the entire State, or for as many Districts as they chose. This is where my concern comes in. How can a guide licensed since 1974 have an equal chance at the new U.C.U.s. or for that matter any new system if he is limited to three areas and his peers have the entire State? If a guide is licensed for the entire State he has a huge advantage over guides whom are limited to only three units. I cannot believe that this advantage would withstand the scrutiny of the intent of the Supreme Court.

There are probably in excess of 100 guides in the State whom currently have this advantage over other guides.

And, the Supreme Court Decision insisted that everyone in the guiding industry must have equal access to whatever new system is put in place.

CONTINUED:

"Fair Chase Only"

CORRECTION

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

ALASKA WILDERNESS EXPEDITIONS

Kevin Fitzgerald
P.O. Box 375
Talkeetna, Alaska 99676
(907) 733-2704

page 1 of 2

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continued on page two

Fully Rated • Licensed • Insured

John Hagerland

Box 375

by the benefit will be felt by those already in the industry, those wishing to make it their livelihood, and those individuals who support the industry by hiring the services of a professional guide and of course the big game and wildlife resources of Alaska which not only makes it possible for Alaskans such as myself to earn a livelihood in Alaska but for which the industry would crumble without. Thank you for your time and consideration here and I look forward with interest to the development of a system which is equitable to all.

Sincerely,

Ken L. French

Dave Wenat

13680 Kaven Street 9955

345-0117

Opinion:

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CONTINUED:

"Fair Chase Only"

BROOKS RANGE ADVENTURES

Art Andreis, Registered Guide
Lou Andreis, Assistant Guide
P.O. Box 55818
North Pole, Alaska 99705
(907) 488-2352

PAGE-TWO.

Therefore, I believe that the first thing to do is to give all the guides the same opportunity to be licensed for the entire State. This way there can be no future complaint that someone was treated unfairly.

I'm going to suggest two ways of accomplishing this. One is to simply give a exam which licenses a guide for the entire State. Another way is to simply go back to licensing by Districts for the guides only. The management units would not change for fish & game purposes.

EXAMPLE: Three Districts; Due to similarity of terrain within the State.

ARCTIC & INTERIOR-UNITS, 19-27.
SOUTH CENTRAL -UNITS, 8-18.
SOUTH EASTERN -UNITS, 1-7.

This would also eliminate the need for 26 different oral-exams to be administered by the new Commercial Services Board. All you would need is three or possibly one. Ironically, the next of kin law allows for anyone in the State to guide a second degree of kindred for all species in Alaska and we limit professional guides whom were tested as to fitness first from guiding thru-out the State.

SOME OF THE OTHER ADVANTAGES TO THE STATE AND THE NEW BOARD.

- 1.) SAVES THE STATE MONEY & FAR LESS WORKLOAD FOR THE NEW BOARD.
- 2.) MUCH EASIER TO COMPLY WITH OWSICHEK AS IT WILL ALLOW FOR ALL GUIDES THE OPPORTUNITY TO QUALIFY TO GUIDE IN THE ENTIRE STATE.
- 3.) THE POTENTIAL BLOCKS OF U.C.U.s OR WHATEVER, COULD COME UP FOR REVIEW WITHIN THESE THREE DISTRICTS. THESE DISTRICTS WOULD BECOME AVAILABLE ON A STAGGERED BASIS EVERY YEAR SO THAT SOME LEVEL OF COMPETITION WOULD OCCUR ON AN ANNUAL BASIS. THIS WAY THE ENTIRE STATE WOULD BE OPEN FOR REVIEW EVERY THREE YEARS.

I would appreciate it very much if the task-force would consider some of my concerns at your next scheduled meeting.

I also want to thank all of you for your hard work on this very complicated issue.

Enc;

All TASK FORCE MEMBERS.
KURT WEST
BILL HORNS OFFICE
SENATE RESOURCES
COMMERCIAL SERVICES BD.

SINCERELY,

Arthur J. Andreis

Guide & Outfitter

"Fair Chase Only"

**12 AAC 38.130. REQUIREMENTS FOR AN
ASSISTANT GUIDE LICENSE. Repealed 5/12/79.****ARTICLE 2.
GUIDING AREA PERMITS****Section.**

- 200. Restrictions to districts
- 210. Guiding area permits
- 220. Application and qualification for guiding area permit
- 230. Minimum use of guiding area permit
- 240. Statement of financial remuneration
- 250. Use of a guiding area assigned to another guide
- 260. Reassignment of guiding area permit
- 270. Death or mental incapacity of guiding area permit holder
- 280. Changes to guiding area permits
- 290. Ground for revocation or suspension of a guiding area permit

12 AAC 38.200. RESTRICTION TO DISTRICTS. (a)
A guide may conduct guiding activities only in districts for which he is certified.

(b) Twenty-six guide districts are established and defined as being identical to those areas described as game management units by the Board of Fish and Game in 5 AAC 90.010, as of January 1, 1974, with the addition of the following subdistrict:

(1) repealed 6/15/80;

(2) repealed 6/6/79;

(3) 27—Arctic Coastal, consisting of all land, including islands, and waters within the jurisdiction of the State of Alaska extending seaward from a point one mile inland from the mean high tide line north of 58 North latitude, beginning at the mouth of the King Salmon River near Egegik and extending northward around the western and northern Alaska coastline to the eastern boundary of District 26. This district is designated for the hunting of marine mammals exclusively. "Marine mammals" means those mammals identified by the Alaska Board of Game as marine mammals.

(c) A guide licensed under AS 08.54 as of June 28, 1974 is restricted to certification to guide in those districts for which he was certified on that date. A guide licensed or entitled to renewal under AS 08.54 as of April 11, 1980 and certified in Districts 18, 18A, 22, 23, or 26 is hereby certified for Unit 27.

(d) Except as provided in (c) above, no guide may be certified for more than three districts, in addition to District 27.

(e) A master guide or registered guide may serve as a class-A assistant guide in districts for which he is not certified.

(f) Notwithstanding any provision of this section, a guide may petition the board for a transfer of certification to another district if he demonstrates to the satisfaction of the board

(1) that he will incur substantial hardship if a transfer is not permitted as evidenced by

(A) substantial land withdrawals from hunting within his district;

(B) significant reclassifications of land within his district;

(C) depletion of game as evidenced by actions of the Department of Fish and Game; or

(D) other demonstrations of hardship; and

(2) that he is qualified to guide in the district to which he wishes to be transferred. (Eff. 6/28/74, Reg. 50; am 2/25/77, Reg. 61; am 6/6/79, Reg. 70; am 6/15/80, Reg. 74; am 3/28/82, Reg. 81)

Authority: AS 08.54.040(3) and (6)
AS 08.54.050

12 AAC 38.210. GUIDING AREA PERMITS. (a)
Guiding area permits will be issued by the board to guides qualifying under 12 AAC 38.220 and 12 AAC 38.280 for exclusive or joint use of a specified area in order to limit the number of guides allowed to guide for big game animals in that area.

(b) The board will determine the size, boundaries and number of guiding areas assigned to a master or registered guide and is not limited by number or boundaries of guide districts that may be included. In determining the size and boundaries of a guiding area, the board will consider, but is not limited to, the following criteria:

(1) size and boundaries applied for by the guide applicant;

(2) abundance and distribution of game populations in the area and adjacent areas that may be affected, and the ability of these populations to sustain hunting pressures;

Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

November 1, 1989

The Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, D.C. 20510

Dear Senator Stevens:

This is to notify you of a meeting I have arranged in Washington, D.C. for November 6th. A member of your staff would be most welcome to participate in this discussion of the activities of the Alaska Legislative Task Force on Guiding and Game.

I will be meeting with John Turner, Director of the Fish and Wildlife Service, members of the staff of Assistant Director of Fish and Wildlife Connie Harriman, and John Ridenour, Director of the National Park Service. Additionally, I will be joined by Bill Horn, former Undersecretary of the Interior Department and now with the law firm of Birch, Horton Bittner and Cherot. The task force has contracted with Birch Horton to assist in developing a resource-based management system for the allocation of big game hunting opportunities among guide-outfitters that will withstand constitutional challenge. Birch Horton will also assist in writing appropriate legislation which will be offered to the Alaska Legislature by January 15, 1990. It is hoped that our management plan will be acceptable to the federal agencies which own and manage vast quantities of land in Alaska.

Again, the meeting has been scheduled for Monday, November 6th at 2 p.m., in Room 3256 of the Interior Building, located at 18th and C in Washington, D.C.

If you have additional questions please contact my Anchorage office at 907-561-7610.

Sincerely,

A handwritten signature of Senator Jan Faiks.

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game

OUT OF SESSION

JF:mr

3111 C STREET

ANCHORAGE, ALASKA 99503

907-561-7610

also to
my Mr. [unclear]

October 30, 1989

MEMORANDUM:

TO: All Interested

FROM: Senator Jan Faiks, Chairman
Legislative Task Force on Guiding and Game

SUBJECT: Upcoming Meetings

WEDNESDAY NOVEMBER 8th:

- Work Session
9 a.m. - 12:30 p.m.
1:30 - 4 p.m.
- Public Testimony
4 p.m. - 5:30 p.m.
7 p.m. - 9 p.m.
- Location
Anchorage Legislative Information Office
3111 C Street - 5th floor conference room
* Teleconferenced to all interested locations
- Agenda to include
report from Birch Horton
report on interagency staff meeting
update on Alaska Department of Fish and Game
mapping project

MONDAY NOVEMBER 20th:

- Work Session
9 a.m. - 12:30 p.m.
1:30 - 4 p.m.
- Public Testimony
4 p.m. - 5:30 p.m.
7 p.m. - 9 p.m.
- Location
Anchorage Legislative Information Office
3111 C Street - 1st Floor Conference Room
* Teleconferenced to all interested locations

NORTHWEST ARCTIC BOROUGH

P.O. BOX 1110
KOTZEBUE, AK 99752
(907) 442-2500 / FAX 442-2930

October 26, 1989

Patti Wightman
State of Alaska
Division of Governmental Coordination
Central Office
P.O. Box AW
Juneau, Alaska 99811-0165

REF: AK89101108/f Wayne Taylor, Guiding Operations

Dear Patti,

The Northwest Arctic Borough Planning as the NAB CZM Board met on the 25th of October, 1989 and reviewed this project for consistency with the Alaska CZMP and the NAB CZMP.

The Planning Commission found this proposed project to be **INCONSISTENT** with the following NAB Policies:

A-1 Subsistence Priority

Subsistence use of coastal lands and waters has traditionally been the primary and highest priority use of all lands and waters within the coastal management plan area; therefore, all other land/water management uses and activities shall accommodate the use of subsistence resources in the planning, development and operation of these activities.

IMPORTANT RESOURCE USE AREA POLICIES

NN NORTH FORK SQUIRREL RIVER/OMAR RIVER

NN-1 Subsistence

Uses and activities shall not significantly interfere with the following activities:

(a) fall caribou hunting (mid-August - mid-October)

NN-2 Caribou Migration

Uses and activities shall be required to cease operations during caribou migration, if impacts to migration are likely to occur and other mitigative measures are not effective or feasible.

SENSITIVE USE AREAS

EEE WULIK RIVER ARCTIC CHAR OVERWINTERING AND SPAWNING AREA

EEE-2 Priority Uses

Subsistence activities, fish spawning and overwintering, and fish and wildlife management are priority uses; therefore, all other land/water uses and activities shall avoid adverse impacts on these areas.

Discussion. The economy of the NAB is a contemporary subsistence/cash economy (Ellanna, 1980; James Magdanz, pers. comm.). The harvesting of local fish and wildlife resources historically was and continues to be the primary focus of the regional economy, based on a combination of subsistence and commercial harvesting of fish and wildlife. Several studies in this region indicate that subsistence foods constitute 70 to 80 percent of total protein consumed by households (Minerals Management Service, 1988). Most personal cash income is spent in the local economy to support subsistence or commercial fish and wildlife harvest activities.

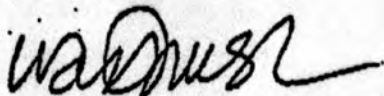
Caribou migration is more than a month late and therefore will continue to migrate to their wintering grounds till late in November. Competition between guides will increase the hunting pressure on the caribou herds and compete and conflict with subsistence activities currently in progress. Conflict is already evident with guiding activities, during the week of September 10, subsistence hunters in the Wulik area had to return home (Kivalina) empty handed as a guide with airplane(green) had scared away caribou that the subsistence hunters were stalking (letter from Doug Larsen, Wildlife biologist, October 1989).

The Subsistence Committees from Kivalina and Noatak object to the issuance of additional guiding permits as they are acutely aware that the Wulik/Kivalina area cannot handle the load of another guiding operation, let alone cope with one.

RECOMMENDATION to the Department of Governmental Coordination. The NAB Planning Commission as the NAB CZM Board recommends that the Bureau of Land Management deny the Recreation Permit for guiding operation by C. Wayne Taylor due to inconsistencies of the aforementioned policies of the Northwest Arctic Borough Coastal Management Plan and the need for a successful subsistence harvest.

If the DGC and BLM do not take the recommendations of the Subsistence Committees of the villages of Kivalina and Noatak and the recommendation of the Northwest Arctic Borough Planning Commission and overrides the concerns and finds the project consistent with the Alaska Coastal Management Plan; then, the borough recommends that this stipulation be inserted into the permit, "The Bureau of Land Management will immediately revoke said permit upon documented interference with subsistence hunts by the guiding operations."

Respectfully,



Walter P. Russell
Planner

cc: files
Planning Commission
Kivalina Subsistence Committee
Noatak Subsistence Committee
City of Kiana
Dennis J. Tiepelman

Put in file

October 5, 1989

MEMORANDUM

TO: Jan
FROM: Cheryl
SUBJECT: Telephone Call From A Guide

Ken Rivard (P.O. Box 871842, Wasilla, 99687; 376-2140) called. He is a hunter but not a professional. He thinks the guides are too push and are harassing hunters such as himself. He has experienced where guides tell him to "get out of their area" when they have no basis to say this.

He also thinks guides should be limited as to the number of animals they can murder in a given season. He also doesn't think it is fair that it is okay to hunt with a horse or snowmachine in one day, but you can't fly in and murder the same day.

He also wishes there was an effective mechanism in place where you could report misbehaving guides.

He asks that he be kept posted of task force meetings. Also suggests that we contact "Foster's Taxidermy" in Wasilla...he is kind of a clearinghouse for the animal murdering types in the valley.



IN REPLY REFER TO:

C38(ARO-OC)

United States Department of the Interior
NATIONAL PARK SERVICE

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503 - 2892



SEP 26 1989

JAN FAIKS
SENATE OFFICE

SEP 25 1989

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks:

Thank you for forwarding to me a copy of your August 22 letter to Director James Ridenour, National Park Service. The state task force on big game guiding and outfitting has a monumental mission.

Our Regional Division of Concessions Management has provided you with documents outlining concessions management in the National Park Service system. It is hoped these documents assisted you in your research. If you need any additional information or have any questions about our concessions program, do not hesitate to contact the Division's Chief, Rebecca Kaiser, at 257-2594 in Anchorage.

As outlined in our presentation to the Guide Licensing Control Board last December, the National Park Service developed an interim, emergency program that maintains a status-quo of hunting guides in the national preserves through 1990. Next year, we will solicit proposals from interested hunting guides and will, through a competitive process, select hunting guides to begin concessions operations in the national preserves in 1991.

We are interested in meeting with the task force or its representative to determine if compatible state and federal programs can be instituted. It is to the benefit of the guides, the clients, the state, and the national preserves if such a cooperative effort occurs.

We offer our support and assistance to the state task force.

Sincerely,

David B. Ames

ACTING David B. Ames
Regional Director
Alaska Region

signature P.02
 TAKE
 PRIDE IN
 AMERICA



United States Department of the Interior

IN REPLY REFER TO:

RF/CC-9609x

FISH AND WILDLIFE SERVICE
 1011 E. TUDOR RD.
 ANCHORAGE, ALASKA 99503

SEP 18 1989

Mr. W. Lewis Pamplin, Jr.
 Director, Division of Wildlife Conservation
 Alaska Department of Fish and Game
 333 Raspberry Road
 Anchorage, AK 99518-1599

Dear Mr. Pamplin:

This is in response to your August 30, 1989, letter requesting that we identify key Service personnel that we would like to have involved in the process of delineating guide-outfitter resource areas. Our list is enclosed. We have included all of our refuge managers on the list because we feel that they can contribute to your efforts through their knowledge of the areas involved. At the same time, their involvement will help them manage more effectively by making them thoroughly familiar with resource area boundaries and the rationale for them. We would like the refuge manager to be notified of, and to participate in, any delineation effort involving lands within a particular refuge.

Thank you very much for providing for our input in this important process. We believe that your cooperative approach to this resource allocation problem will help both of our agencies manage resources better while facilitating our subsequent dealings with guides and outfitters.

Sincerely,

Walt Stiglich

Regional Director

Enclosure

NOTE

per Paul Schmidt
 phone call

main contacts: Paul Schmidt > Anchorage
 John Kuntz

copy mgrs listed



KEY FISH AND WILDLIFE SERVICE PERSONNEL
TO BE INVOLVED IN GUIDE-OUTFITTER RESOURCE AREA DELINEATIONS
(September 13, 1989 - Page 1 of 2)

Please notify the following person of all delineations involving refuge lands:

Regional Director
U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, AK 99503
Telephone: 786-3542

Mr. John Kurtz
Chief, Refuge Operations
U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, AK 99503
Telephone: 786-3355

Also, please notify and provide for participation of the appropriate refuge manager, listed below, in any delineation effort involving lands on a particular refuge:

John Martin, Refuge Manager
Alaska Maritime NWR
202 Pioneer Avenue
Homer, Alaska 99603
(907) 235-6546

Jay Bellinger, Refuge Manager
Kodiak NWR
1390 Buskin River Road
Kodiak, Alaska 99615
(907) 487-2600

Mike Boylan, Refuge Manager
Aleutian Island Unit
Alaska Maritime NWR
Box 5251, Naval Air Station Adak
FBO Seattle, Washington 98791
(907) 592-2406

Mike Nunn, Refuge Manager
Koyukuk/Nowitna NWRs
Box 287
Galena, Alaska 99741
(907) 656-1231

Glenn Elison, Refuge Manager
Arctic NWR
101 12th Avenue, Box 20
Fairbanks, Alaska 99701
(907) 456-0250

Jerry Stroebele, Refuge Manager
Selawik NWR
Box 270
Kotzebue, Alaska 99572
(907) 442-3799

Ronald Hood, Refuge Manager
Alaska Peninsula/Bacharof NWRs
P.O. Box 277
King Salmon, Alaska 99613
(907) 246-3339

Steve Breaser, Refuge Manager
Tetlin NWR
Box 155
Tok, Alaska 99780
(907) 883-5312

Phil Feiger, Refuge Manager
Innoko NWR
Box 69
McGrath, Alaska 99627
(907) 524-3251

Dave Fisher, Refuge Manager
Togiak NWR
P.O. Box 270
Dillingham, Alaska 99576
(907) 842-1063

KEY FISH AND WILDLIFE SERVICE PERSONNEL
TO BE INVOLVED IN GUIDE-OUTFITTER RESOURCE AREA DELINEATIONS
(September 13, 1989 - Page 2 of 2)

Robin West, Refuge Manager
Izembek NWR
Box 127
Cold Bay, Alaska 99571
(907) 532-2445

Ron Perry, Refuge Manager
Yukon Delta NWR
Box 346
Bethel, Alaska 99559
(907) 543-3151

Tom Early, Refuge Manager
Kanutai NWR
101 12th Avenue, Box 11
Fairbanks, Alaska 99701
(907) 456-0329

Lou Swenson, Refuge Manager
Yukon Flats NWR
101 12th Avenue, Box 14
Fairbanks, Alaska 99701
(907) 456-0440

Daniel Doshier, Refuge Manager
Kenai NWR
2139 Ski Hill Road
Soldotna, Alaska 99669-2139
(907) 262-7021



United States
Department of
Agriculture

Forest
Service

Alaska Region

P.O. Box 21628
Juneau, AK 99802-1628

P.O.

See

Reply to: 2600

Date: SEP 15 1989

Mr. W. Lewis Pamplin, Jr., Director
Division of Wildlife Conservation
333 Raspberry Road
Anchorage, Alaska 99518-1599

Dear Mr. Pamplin:

Thank you for your letter of August 30 regarding the Alaska Legislative Task Force on Guiding and Game. We will be most pleased to participate in the development of this new allocation system. As you know, National Forest System lands provide very important hunting and guiding opportunities.

Please place on your mailing list the persons listed on the enclosed sheet. They will be very interested in receiving information as it becomes available and participating in the necessary meetings. Jack Capp, Director of Wildlife and Fisheries in this office, will be overall coordinator for our involvement. He can be reached at (907) 586-8752.

Sincerely,

Mike Barton
MICHAEL A. BARTON
Regional Forester

Enclosure





Alaska Region
USDA Forest Service

Contact List - Alaska Legislative Task Force
on Guiding and Big Game

1. John C. Capp - Director of Wildlife and Fisheries
2. Fred B. Samson - Regional Wildlife Program Manager
3. James Cochrane - Director of Recreation, Subsistence, and Cultural Resources

All can be reached at:

USDA Forest Service
P.O. Box 21628
Juneau, Alaska 99802



Caring for the Land and Serving People



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599



September 14, 1989

8372 (933)

Mr. W. Lewis Pamplin, Jr.
Director
Division of Wildlife Conservation
State of Alaska, Department of Fish and Game
333 Raspberry Road
Anchorage, AK 99518-1599



Dear Mr. Pamplin:

In response to your letter of August 30, 1989, we look forward to participating in your efforts in development of a new resource based management system to be used in allocating opportunities among guide/outfitters. The following is a list of key people who should receive information as you proceed.

Terry O'Sullivan
Branch of Renewable Resources
Alaska State Office
Bureau of Land Management
222 West 7th Avenue, #13
Anchorage, Alaska 99513-7599

Dick Vernimen
Anchorage District Manager
Bureau of Land Management
6881 Abbott Loop Road
Anchorage, Alaska 99507

Gene Keith
Glennallen District Manager
Bureau of Land Management
P.O. Box 147
Glennallen, Alaska 99588

Roger Bolstad
Kobuk District Manager
Bureau of Land Management
1150 University Avenue
Fairbanks, Alaska 99707

M. Thomas Dean
Arctic District Manager
Bureau of Land Management
1150 University Avenue
Fairbanks, Alaska 99707

Don Runberg
Steese/White Mts. District Manager
Bureau of Land Management
1150 University Avenue
Fairbanks, Alaska 99707

Thank you for this opportunity. If you have any questions, please contact Terry O'Sullivan at 271-5508.

Sincerely,

Bishop T. Buckle
Deputy State Director
Division of Lands & Renewable Resources

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

RECEIVED

SEP 25 1989

JAN FAIKS
SENATE OFFICE

September 11, 1989

The Honorable Jan Faiks
Chairman
Alaska Legislative Task Force
on Guiding and Game
Alaska State Senate
P.O. Box V
Juneau, AK 99811

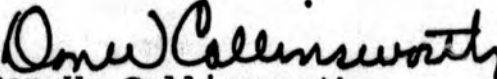
Dear Senator Faiks:

Thank you for your letter on the progress of the Task Force on Guiding and Game. Capable legal support will provide assistance in developing a workable management system for the big game industry in Alaska.

The Wildlife Conservation Division has hired an experienced and knowledgeable individual, Ms. Marianne See, to develop wildlife resource information for use by the Task Force. She and Wildlife Conservation Director, Lew Pamplin will continue to work closely with the Task Force during development of the management plan.

Thank you again for keeping us abreast of your progress.

Sincerely,


Don W. Collinsworth
Commissioner



BERING STRAITS NATIVE CORPORATION

P.O. Box 1008 • Nome, Alaska 99762 • Phone (907) 443-5252

RECEIVED

September 8, 1989

SEP 19 1989

JAN FAIKS
SENATE OFFICE

Honorable Jan Faiks, Chairman
Alaska Legislative Task Force on Guiding & Game
3111 C Street, Suite 525
Anchorage, AK 99503

Dear Senator Faiks:

Thank you for your letter of 8/23/89. I have just two comments regarding the Management Plan.

Recommendation #16 from the task force states in part that "The major land owners need to participate in the formulation of the management system". I would purpose to you as the Chairman that there is still the issue on the back burner of private land. In other words, I would suggest that recommendation #16 is very important.

Recommendation #14 is also a very good idea. This recommendation is the key to making the "common use" clause work.

The task force has done a good job to identify the issues.

Respectfully,

Arthur "Guy" Martin
Land Manager

GM/dlb

cc: File

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

STEVE COWPER, GOVERNOR

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

RECEIVED

SEP 7 1989

JAN FAIKS
SENATE OFFICE

September 5, 1989

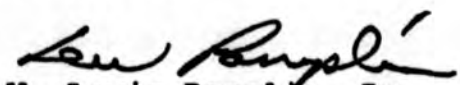
The Honorable Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 "C" Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks:

According to the draft agenda, the next meeting of the Legislative Task Force on Guiding and Game will include discussion and presumably the selection of a process for involving the public. This meeting could also provide an excellent opportunity to report to the public on our progress to date, to describe the process for receiving public input, to present the initial criteria for developing guide-outfitter resource areas, and to receive public comment and answer general questions. I know that you share these concerns for meaningful public involvement.

Because of the impending January deadline, I believe the task force should take advantage of all practical opportunities to incorporate public participation in our upcoming meeting (and future meetings). With approximately a month of notification, a public session could be scheduled for the evening of October 5, following a full day of task force business. This would be consistent with the scheduling of prior task force public hearings, and more importantly, would provide needed public contact at the next possible opportunity. Please advise me of your thoughts on this suggestion. Thank you.

Sincerely,


W. Lewis Pamplin, Jr.
Director
Division of Wildlife Conservation

cc: SuzAnne Miller
Task Force Members

*next scheduled
public hearing
10/5 -
7-9pm -*

PLAN SCHEDULE

SUSITNA BASIN RECREATION RIVERS MANAGEMENT PLAN

1. Identify Issues

Hold public meetings to identify issues and concerns in the river corridors. (December 1988)

2. Gather Information

Collect information about natural resources, present and past land use, land ownership, and the local economy. (Occurs throughout planning process)

3. Prepare and Evaluate Land Use Alternatives

Describe possible choices for managing state land based on public interests, local resources, and state policies. Describe the effects of each choice on goals for the recreation river corridors. (Summer 1989)

4. Public Reviews Alternatives

Hold public meetings to review the land use choices and identify those that people prefer. (Fall 1989)

5. Prepare Draft Plan

The planning team and advisory board create a draft plan using public and agency comments. The agencies review the first draft and settle any land use conflicts that remain. (Spring 1990)

6. Public Reviews Draft Plan

Hold public meetings to provide the public the opportunity to comment on the draft plan and identify parts that need to be changed. (Summer 1990)

7. Prepare Final Plan

Review agency and public comments and revise the plan. The plan is prepared for publication. (Fall 1990)

8. Approve Plan

The Commissioner of the Department of Natural Resources approves and signs the plan. (December 1990)

9. Legislature Reviews Plan

The legislature reviews the plan. (Winter 1991)

10. Adopt and Implement Plan

The plan guides land management decisions in the recreational river corridors. (May 1991)

July 27, 1989

MEMORANDUM

TO: Jan

FROM: Cheryl 

SUBJECT: Public Comment Process for Guide Task Force

I talked with folks from Division of Lands and Division of Oil and Gas to learn what process they utilize in taking public comment on proposals:

Division of Lands
Ron Swanson (762-2680)

For comment on land management plans, DNR basically does the following which involves three public hearings (a general outline of their process is coming in the mail):

- Announce the hearing for public comment; advertise where they can get information on what is being discussed
- Hold the public hearing;
- Staff compiles the hearing's comments; sorts out what legally they can do from what they can't;
- Based on the comments, staff compiles a list of alternatives;
- Have a public hearing on the alternatives (they are sensitive, though, to the fact that special interests can pack a hearing, so try to balance public comment at the hearing with what may be the more general public's attitude);

- Make a preliminary decision based on comments on the alternatives;
- Hold a public hearing on the preliminary decision;
- Always gives at least 30 days notice before a hearing; use display ads in the newspapers instead of just legal notices; do press releases, radio spots and "rumor mill" in smaller communities.

Division of Oil and Gas:
Pam Rogers (762-2584)

- Preliminary notice of what proposing; provide packets of information for people prior to the hearing so they have been able to study it;
- Give 30 to 45 days notice before hold the hearing;
- At the hearing, have good maps with information on them (this contrasts with the not-so-good maps included in the information packets made available before the hearing); utilize a sign in sheet and assure people they will again be notified of hearings/meetings on this issue in the future.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

August 31, 1989

Handwritten:
Maurice
C41

The Honorable Jan Faiks
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Thank you for keeping me informed about the work of the Task Force on Guiding and Game. As the state's land manager, the Department of Natural Resources continues its interest in the development of a new system for allocating big game hunting opportunities among guide-outfitters.

Please let me know if we may provide information or assistance to task force members.

Sincerely,

Lennie Gorsuch
Lennie Gorsuch
Commissioner

cc: Gary Gustafson, Director
Division of Land and Water Management

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF FISH AND GAME

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

August 30, 1989

*Mark
F41*

RECEIVED

SEP 1 1989

The Honorable Jan Faiks
Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 "C" Street, Suite 525
Anchorage, Alaska 99503

JAN FAIKS
SENATE OFFICE

Dear Senator Faiks:

I am pleased to announce that we have appointed Marianne See to the Wildlife Biologist position in charge of developing the guide-outfitter resource area maps which may be used in the future to assist in regulating this industry. Marianne has extensive experience as a biologist in Alaskan state, federal, and private sectors. Her diverse background includes statewide wildlife map and report production, geographic information management, technical writing, project coordination and management, interagency coordination, and biological research.

She previously has worked for the Department of Fish and Game, as well as the Bureau of Land Management, and an environmental consulting firm. She holds a Bachelor's degree in Environmental Sciences, and a Master's degree in Ecology from the University of Alberta.

We are fortunate to attract Marianne back to state service to work on this challenging project. Her phone number is 267-2420 in the Statistics Section, Division of Wildlife Conservation in Anchorage.

Sincerely,

W. Lewis Pamplin, Jr.

W. Lewis Pamplin, Jr.
Director
Division of Wildlife Conservation

cc: Task Force Members
SuzAnne Miller, Information Management Coordinator, Division
of Wildlife Conservation
Marianne See, Wildlife Biologist, Division of Wildlife
Conservation

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

STEVE COWPER, GOVERNOR

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

August 30, 1989

Mr. Walter O. Stieglitz, Regional Director
U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, Alaska 99503

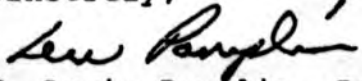
Dear Mr. ~~Stieglitz~~ ^{Walt}:

The Legislative Task Force on Guiding and Game has initiated development of a new resource based management system that may be used to assist in allocating access to big game hunting opportunities among guide-outfitters. Toward this end, the Department of Fish and Game is the designated lead agency to create maps of guide-outfitter resource areas that could be the basis of the management system. The criteria developed by the Task Force for delineating these areas include wildlife management concerns, enforcement concerns, land ownership, administrative restrictions (federal, state, and local government regulations), recognizable field boundaries, access availability and transportation considerations, and others. The task force plans to initiate a public process to receive input from interested parties.

Because it will be essential to keep federal and state agencies informed and involved in the development of this new system, we are asking your help with identifying the key people in your agency who should receive information and participate in the necessary meetings. Please indicate, at your earliest convenience, the names (and addresses) of your staff who should be included on our mailing lists.

Thank you for your assistance. Any specific inquiries may be directed to Marianne See, our project staff coordinator in Anchorage (267-2420).

Sincerely,


W. Lewis Pamplin, Jr.
Director

Division of Wildlife Conservation

cc: Senator Jan Faiks
SuzAnne Miller, Information Management Coordinator, Division
of Wildlife Conservation
Marianne See, Division of Wildlife Conservation

The same letter sent to the following:

VNameVMr. Walter O. Stieglitz, Regional Director
U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, Alaska 99503
VNameIIVMr. Stieglitz

VNameVMr. Boyd Evison, Regional Director
U.S. National Park Service
2525 Gambell Street
Anchorage, Alaska 99503-2892
VNameIIVMr. Evison

VNameVMr. Gary Gustafson, Director
Division of Land and Water Management
Department of Natural Resources
Pouch 7-005
Anchorage, Alaska 99510
VNameIIVMr. Gustafson

VNameVMr. Michael Penfold, State Director
Alaska State Office
U.S.D.I. Bureau of Land Management
222 West 7th Avenue, #13
Anchorage, Alaska 99513-7599
VNameIIVMr. Penfold

VNameVMr. Michael A. Barton, Regional Forester
U.S.D.A. Forest Service
Alaska Regional Office
P. O. Box 21628
Juneau, Alaska 99802-1628
VNameIIVMr. Barton

The following letter was sent to all native corporations in Alaska as well as federal agencies interested in the task force activities.

August 18, 1989

Dear:

As you may be aware, the Alaska Legislature has created the Task Force on Guiding and Game. It is charged with formulating a recommendation for a comprehensive resource-based management system for the allocation of big game hunting opportunities among guide-outfitters.

The task force was formed in May, 1988 as part of the effort to find a legislative resolution to a growing conflict between licensed big game guides and unlicensed "outfitters". The panel recommended the sweeping changes incorporated in House Bill 112 which was signed into law in May, 1989. Legislation also passed to extend the life of the task force to January, 1990. This extension became necessary as a result of the October 1988 Alaska Supreme Court decision in the Owsichuk case. The court declared unconstitutional the previously used restrictive guide area system of big game industry management. It is now necessary for the Legislature to formulate a new management system.

In its directive to the task force, the Legislature stressed that conservation of the resource is the foremost purpose of the management system. The system must also provide broad access as guaranteed by the common use clause of the state's constitution. The plan must have statewide applicability to help ensure a more standardized system among state, federal and private landowners. The panel is required to present its findings and recommendations to the Legislature by January 15, 1990.

Because of the limited time frame for the panel's work, it retained the law firm of Birch, Horton, Bittner and Cherot to assist in developing recommendations for a management plan which would survive a constitutional challenge. The firm will also assist the task force in writing related legislation.

The 15 member task force met in June and July to organize and establish a work plan. The panel is scheduled to meet again October 5th and 6th in Anchorage.

I will keep you apprised of our meeting schedule. Additionally, the task force would welcome any comments or questions you may have regarding the development of the management plan. You may write to the task force at my office at 3111 C Street, Suite 525, Anchorage, 99503. Thank you for your interest.

Sincerely,

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game

JF:mr

Where the hunting is done by hunters



RECEIVED

JUL 27 1989

JAN FAIKS
SENATE OFFICE

To: Senator Jan Faiks
3111 "C" Str. Suite 525
Anchorage, Alaska
99503

JOE WANT
P.O. BOX 10044
FAIRBANKS, ALASKA 99701

27 July 1989

Dear Senator Faiks;

Attached is a resource based proposal intended to allow the harvest of big game animals by non-residents and insure the wellbeing of these game stocks.

This proposed system would involve two levels of participation:

1. the Board of Game;
2. the Big Game Commercial Services Board.

The Attached proposal includes the following:

- a. a general description of a policy for regulating big game harvest levels by non-residents;
- b. a general scenario of how the system could be implemented;
- c. a general outline of potential industry impact;
- d. a request that the Task Force on Guiding and Game schedule a block of time in December 1989 for debating the proposal.

Thank you.

Respectfully,

Joe Want
Joe Want

POLICY

Regulating Harvest Level

[MINIMUM ACCEPTABLE HARVEST SIZE (MAHS) method]

The following resource proposal is intended to outline a policy and demonstrate a possible method for policy implementation. The objectives are to create a system that will maximize resource protection; minimize the necessity of monitoring guide-outfitters; and develop a system that minimizes the financial burden to the State of Alaska.

1. RESPONSIBILITY OF BOARD OF GAME

The Board of Game shall/may establish a minimum acceptable harvest size (MAHS) for any given big game species, in any area, faced with potential over harvest by non-resident hunters.

The Board of Game, in consultation with the Alaska Department of Fish and Game, would establish by specie, a reasonable size standard that will insure a healthy, viable game population. These size standards would be established through the existing process for formulating regulations.

2. RESPONSIBILITY OF THE BIG GAME COMMERCIAL SERVICES BOARD

The Big Game Commercial Services Board would develop a system for disciplining individuals licensed by the Board who fail to meet the standards, under MAHS, developed by the Board of Game.

HOW THE SYSTEM MIGHT OPERATE

Should the Board of Game, determine a statewide concern exists regarding the harvest level of a certain game animal, let's use moose as an example, by non-residents, the Board would establish a minimum antler width for all moose taken by non-residents. NON-RESIDENTS ACCOMPANIED BY SECOND-DEGREE KINDRED WOULD BE EXEMPT FROM THIS SYSTEM.

The Board of Game would have the latitude of establishing MAHS only in the game management unit (GMU) presenting potential resource problems. The MAHS could vary between GMU'S depending on the size animals produced in a particular area.

For example, in GMU 8, the MAHS for brown bear might be a minimum of 26" skull size. If warranted by the data, the MAHS GMU 9 might be 25", while in the Brooks Range a minimum of 23" might be used.

The Big Game Commercial Services Board would develop a system for disciplining guide-outfitters, class "A" guide-outfitters, and assistant guide-outfitters who fail to comply with MAHS.

One option would be a deficit point system. The following is an example of what might be considered:

BROWN BEAR: UNIT 8 - MAHS 26" Skull size:

Bear skull less than 26" but greater than 25" - 1 point

less than 25" but greater than 24" - 2 points

bear skulls less than 24" - 3 points.

Should a guide accumulate more than three points during the most recent three year calendar period he would be prohibited from guiding or outfitting for that species for a specified period. This system of regulating the harvest level merits consideration for the following reasons:

- a. It keeps decisions concerning game management strictly under the Board of Game;
- b. it creates a system for disciplining guide-outfitters while minimizing any additional burden on the court system;
- c. it allows the various land managing agencies, i.e. USF&WS, BLM, Forest Service and Native Corporations etc., to manage those lands as mandated;
- d. it allows the game management flexibility necessary to effectively meet the various big game circumstances found in Alaska;
- e. it creates a system that protects the game resources while minimizing the financial and administrative burden for the State of Alaska;
- f. it affords maximum protection of the game resources and minimizes the necessity of monitoring a particular species.

POTENTIAL INDUSTRY IMPACT

1. Initially, guide-outfitters may have to reduce the number of hunters they booked each year;
2. The training period for assistant guide-outfitters would be extended, thus reducing the pool of qualified assistant guide-outfitter available for employment;

3. Some guide-outfitters who have worked for guide-outfitters having exclusive guide areas may start booking their own hunts;
4. The average number of hunting days per trophy may increase for those animals designated under MAHS.

GENERAL STATEMENT

The concept of applying a minimum standard to regulate the harvest level of a particular species is not new. The State of Alaska currently employs a minimum size standard in conjunction with season length to regulate the harvest of dall sheep on a statewide basis and to regulate the harvest of moose in some GMU's.

To what degree can the Board of Game differentiate between residents and non-residents? If example can serve as the basis for the legal argument, the current Alaska Game Regulation No. 30 contains the following:

- a. thirteen plus examples of non-residents being excluded from specific big game seasons;
- b. six plus examples of permits being required for non-residents but not for residents;
- c. a minimum of four different bag limits for non-residents compared to residents;
- d. six examples of different bag limit compositions, i.e. bulls only, etc.

The above comparisons deal only with the differences between residents and non-residents and excludes subsistence hunters.

The ability of the guiding industry to determine whether a particular animal meets MAHS will vary depending on species and the standard established. Sheep will be the easiest and either caribou or bears the most difficult. Bears will probably create the greatest debate as to the feasibility of developing the MAHS system.

To maximize the opportunity for participation in the debating of this proposal, I would respectfully request that the Task Force schedule, in December 1989, a block of time for debating the above proposal. This allows the development of healthy debate concerning the above proposal.

Thank you.

Respectfully,

Joe Warr
Joe Warr

Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523



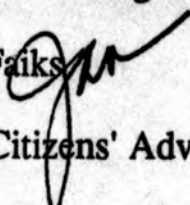
JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

July 26, 1989

MEMORANDUM

TO: Task Force on Guiding and Game

FROM: Senator Jan Faiks 

SUBJECT: Letter from Citizens' Advisory Commission on Federal Areas

Attached is a letter the Task Force received from the Citizens' Advisory Commission on Federal Areas. As you will read, the commission has been asked to investigate complaints from guides operating within national preserve units in Alaska.

This will be included on the agenda of the Task Force's next meeting.

cc: Stan Leaphart, Executive Director, Citizens' Advisory Commission on Federal Areas

OUT OF SESSION

3111 C STREET

ANCHORAGE, ALASKA 99503

907-561-7610



Citizens' Advisory Commission on Federal Areas

July 21, 1989

515 Seventh Avenue
Suite 310
Fairbanks, Alaska 99701
(907) 456-2012

RECEIVED

JUL 24 1989

JAN FAIKS
SENATE OFFICE

The Honorable Jan Faiks, Chairperson
Task Force on Guiding and Game
3111 C Street, Suite 525
Anchorage, Alaska 99503

Dear Senator Faiks,

The Citizens' Advisory Commission on Federal Areas staff has been asked to investigate a number of complaints received from hunting guides operating within national preserve units in Alaska. In addition to being contacted directly by two guides, Commission staff has also been made aware of complaints received by Senator Al Adams' office and by Alaska Department of Fish & Game staff. The complaints stem from changes made by the National Park Service in the permitting procedures for hunting guides as a result of the Owsichuk decision. The purpose of this letter is to advise you of our investigation of these complaints and of our intention to keep the task force informed of any substantive findings.

Following the Owsichuk decision extinguishing the state-assigned exclusive hunting guide areas, the National Park Service implemented an interim program for guided hunting within the national preserve units. The primary element in this interim program is a change from a commercial use license to a concession permit. The change to a concession permit system was made because of National Park Service concerns that the elimination of the exclusive guide areas would result in significant increases in the number of hunting guides seeking permits to operate within the preserve units. A concession permit system allows the Park Service to set limits on the number of guides authorized on preserve lands, where the previously used system of commercial use licenses does not. This interim measure essentially means that, insofar as the national preserves are concerned, the pre-Owsichuk arrangement of limited or exclusive guide areas will be maintained until a new allocation system, acceptable to the Park Service, is developed by the state.

Under the interim program fees have been dramatically increased. Fees for the concession permits will be \$500 in 1989 and \$1000 in 1990. Fees for the previously used commercial use licenses averaged around \$100 per year. A number of guides, particularly those with small operations, have expressed concerns about this increase in fees and their ability to absorb the extra costs. If a concession permit system is adopted permanently a franchise fee of 2% of gross revenues will be assessed annually. In addition, the concession permits will be issued on a competitive bid basis.