

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1704 SCOMM 67 : GUIDING AND GAME TASK FORCE 1989-1990 1272

Vote # 5

12-12-89

Passed

Failed

yes

yes NO

Legislative Task Force on Guiding and Game

X Pete Buist - Fairbanks - 451-2707 -

X Randall Burns - Juneau - 465-2534 -

X Vernita Cassidy - Anchorage - 349-1041 -

X Ralph Eluska - Anchorage - 338-2322 -

X Ken Fanning - Yakutat - 784-3232 -

X Phil Gilson - Anchorage - 269-5589 -

X Bob Hinman - Juneau - 789-2244 -

Rep. Lyman Hoffman - Bethel - 561-7611 -

X Paul Johnson - Elfin Cove - 239-2211 -

Mathew Iya - Nome - 443-5231 -

NA Rep. Mike Navarre - Kenai - 561-8459 -

X Lew Pamplin - Anchorage - 267-2231 -

X Nick Pierskalla - Wasilla - 376-0502 -

NA Richard Stern - Nome - 443-5638 -

ABSTIN Jan Faiks - Anchorage - 561-7610 -

yes 9

NO 1

1 Abstention

ABSENT: 4

Vote # 6

12-12-89

Passed

Failed

additional criteria

YES NO Legislative Task Force on Guiding and Game

X

Pete Buist - Fairbanks - 451-2707 -

X

Randall Burns - Juneau - 465-2534 -

X

Vernita Cassidy - Anchorage - 349-1041 -

X

Ralph Eluska - Anchorage - 338-2322 -

X

Ken Fanning - Yakutat - 784-3232 -

X

Phil Gilson - Anchorage - 269-5589 -

X

Bob Hinman - Juneau - 789-2244 -

NA

Rep. Lyman Hoffman - Bethel - 561-7611 -

X

Paul Johnson - Elfin Cove - 239-2211 -

NA

Mathew Iya - Nome - 443-5231 -

NA

Rep. M. V. Varrre - Kenai - 561-8459 -

X

Lew Pamp - Anchorage - 267-2231 -

X

Nick Pierskalla - Wasilla - 376-0502 -

NA

Richard Stern - Nome - 443-5638 -

X

Jan Faiks - Anchorage - 561-7610 -

ABSENT: 4

yes

2

NO

9

Vote # 7

12-12-89

Passed

Failed

randall's amendment
P-6 replace #
TPC $\frac{1}{2}$ D w/attached

YES NO Legislative Task Force on Guiding and Game

X	Pete Buist - Fairbanks - 451-2707 -
X	Randall Burns - Juneau - 465-2534 -
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X	Ralph Eluska - Anchorage - 338-2322 -
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NA	Richard Stern - Nome - 443-5638 -
X	Jan Faiks - Anchorage - 561-7610 -

ABSENT: 4

yes

UNANIMOUS

NO

1-5

(c) ^{in accordance with the procedures adopted in (a) of this section and} ~~if~~ upon review of the applications ~~to~~ made ~~for~~ for a particular guide-outfitter use area, the board determines that more applicants are qualified to receive a use area permits than permits are available for that area, then the board shall reevaluate the competing applications and, with or without requesting additional documentation, shall select the ~~most~~ best qualified applicants to receive the available permits. The board may request the competing qualified applicants to ^{appear} before the board to ^{related to the criteria in (b) of this section and} discuss matters raised by the documentation accompanying the applications submitted.

(d) The board shall award ~~use guide-outfitter~~ ^{only to} use area permits ^{applicants} to qualified ~~guide-outfitters~~.

(c) ~~in accordance with the procedures adopted in (a) of this section and~~
upon review of the applications ~~made~~ for a particular guide-outfitter use
area, the board determines that more applicants
are qualified to receive a use area permits than
permits are available for that area, then
the board shall reevaluate the competing applications
and, with or without requesting additional
documentation, shall select the ~~most~~ best
qualified applicants to receive the available
permits. The board may request the competing
qualified applicants to appear before the board to
discuss matters ^{related to the criteria in (b) of this section and} raised by the documentation
accompanying the applications submitted.

(d) the board shall award ~~use area permits~~
use area permits ^{only to} qualified ^{applicants} guide-outfitters.

Vote # 8

12-12-89

Passed

Failed

To delete ~~para~~ P. 12
Para (B) is approximately 20% of the
use areas shall be offered each year.
delete section (a) (p 11)

YES NO

Legislative Task Force on Guiding and Game

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ABSENT:

yes

8

NO

1

P1

Guide Task Force —

12-11-89

Tape I side 2

~~Vote~~ #1 — Big Game Commercial Secs Bd shall determine whether Sole or Joint Use Prior To Application
vote 12 yes — 0 no 3 Absent

Presentation by Gary Gustafson — Dept of NATURAL Resources (AK)
on state permitting system w/ Q & A

TAPE 2 — continued Q & A w/ G. Gustafson.

discussion

Vote #2 — 9 To 4 — Approved Amendment

Side 160 — vote — ok'd #2 & 5. Then add item #3
fr. Dec. 7 Horn memo as item #6.

adopted unanimously: — 'the interests of resident hunters'
word 'primary' = deleted.

To allow — or not allow — unsawarded hunting

2-B — adoption (motion) — adopted.

Horn #3 — land owner consent —

Lunch

TAPE 3

Vote #3 — 4 n 8 y (3 Abs) (NO to including
lines 6 thru 19 of Panglin draft into reg. draft)

TAPE 4

Steve White's Amendments —

Vote #4 — 2 y 9 N 3 Abs.

adopted: p 4 — delete all wording after "in the use area"

Vote #5 — 11 yes — 1 No — 3 Abs —

add To draft — To end of Line 22, p 4
After "application Fee" — — — add from

X Start w/ Tape 4 side B X

12-12-89

Burns
Fanning
Gilson
Panglen
Sluska
Johnson
Hirman
Brist
Pierschalla

B. Hirman presided -

Discussion - frustration on part of Task force -
not real clear what real limits are - Panglen - we're getting there on
wildlife right ^{Top priority} regardless of benefit to guide industry.

Brist concerned that paperwork hassle may become impractical -

TF not can insure a bunch of guides won't work - wants TF to ensure they do
or at least don't want to be part of problem.

experiment - needed. Needs legisl funding support.

Johnson - if all agree to findings / purpose of bill - must go thru rest
of bill w/ that in mind - can't offer guarantees to any one on this.

Burns - need to resolve issues so don't continue in court / circle -

must create one system - (Fed - state etc) - ~~target~~ goal to get handle
on all forms etc required. Frustrated - we haven't done things about
Transportation - must figure out if we can do anything here.

Pierschalla - agreed w/ Randall - Transporters - unlicensed - unregulated so
brought us together - still a problem. - We aren't addressing issue.

Concerned won't achieve our desires - that we ~~will~~ will have same problems
when finished.

Fanning - ^{or} legisl appears designed to meet only legal obligations / parameters
legisl - contrary to findings -

option - go w/ what we have now in place - or come up w/ another - present
draft legisl = zip. Too much = ~~be~~ being ignored - i.e. investment -
will not support legisl that may lose the investment security.
Legisl doesn't meet needs of industry.

(2)

TAPE 4 side B

12-12-89

Gilson - air Transporter issue must be addressed -
White - we're here 'cause common use clause w/ not
satisfied - not 'cause wildlife/industry needs weren't met -
whole system could be lost if continue to add weaker (x2)
aspects -

Eluska - agree - Transporters a problem - neglecting our responsibility
if don't point it out to legisl. Problem = constipation but
not sure would support change.

White - offered his amendment to make theft stronger, easier, to defend
role of AG -

Hinman -

Fanglin - emphasized importance of devising a single system

TAPE 5 side A

#6 Legislation - p 5 -

line 16 -17- ~~state~~ - add "from the significant or my landowners." S. 54.640 -
Strike "that are reasonably necessary".

~~state~~ ^{so} need permission from ^{my} land where hunt will occur.

Fanglin - the areas closed to hunting will be noted on the maps anyway.
all base area may not be available to hunt.

Fanning - leave 'ranking' - tells Board don't have to be detailed in decision making.

~~St. John~~ - The more subjective going to lottery - the less defensible - he favors
amend to remove "ranking"

Vote #1 12-12-89 - NO 6 yes 5 - ABS-4 Failed
(Fanglin's amendment p-5)

Fanning amendment - to take existing improvements must pay Fair MKT value
- 630 (B) - should be in application form -

~~Hinman~~ Improvement owner should have option to sell or rent -

BURNS - maybe state shouldn't force area owner to buy (if used for guiding)

PVIST - 35.07.025 -

(3)

Tape 5-side B

withdrew motion

12-12-89

100 - Fanning - very concerned guides will ~~not~~ be
adequately compensated for existing improvements.
Need To know up front improvements will be

Burns - creates unstated criteria -

190 - Hanson - maybe treat as 2 separate issues -
~~the~~ is state obligated -

255 Johnson - ^{motion} ~~pls reconsider~~ amendments - 640 (a) p 4 p 5

268 - motion to reconsider - passed -

Johnson - re: wants Bd To have flexibility - re: ranking of applicants
clarify - Bd has authority To adopt procedures -

360 - Vote #2 - P4 - line 24-25, P5 - line 2 -

yes - 7 NO - 4 ABS - 4 motion Passed

405 Burns - new criteria proposal - operational plan - To
determine if they can actually implement plan they
call for "Fully develop applic ability & means to provide
Type - quality of ~~Big Game~~ hunts proposed by applicant."

Panglin - "Guide-outfitting services"

Fanning - Bd may not know what takes To make decision

Panglin - gives Bd add'l info

475 ~~Vote~~ Vote #3 - yes 10 NO 1 ABS 4 Passed

therefore...

510 - Fanning - add criteria - "Investment in area"

important its "looked at" - evaluated -

(B) "investment in the area" (leave out applicant - so Bd could
evaluate all investment in an area)

Vernita - Bd shouldn't be restricted To ~~into~~ evaluating only info
provided by applicant -

45 - Vote #4 - yes - 5 NO 6 ABS - 4 - Failed

P5 para 2 - line 6-7 - insert p 7

46 - Panglin - Amendment - line 2

line 4-5-6 -
Panglin

ability of applicant To carry out the proposed g-o operation
in the use area - have prepared g-o operation in the use area that
is economically viable given economic resources of applicant -

(3)

12-12-89

150 - back To mtg - 12:30

220 - Burns amendment

390 - Vote 6 - Failed

410 - Panglin Amend - To determine qualified applic - esp.
if more than one - (P.5)

* 425 adopted - no roll call.

P-6

434 - Panglin - " side B Tape 6

127 - Randall offers amend -

replace para C & D - p.6 w/

"If you review of application the Bd determines that more
applicants etc -

200 - Vote # 7 - Randall's amend - p.6 replace PP C & D
unanimous w/ 4 Absent -

218 - adoption of add'l amend.

263 - Panglin amendments - p.7 - line 10 - delete "within - line 11"
though upissred

280 - Eluska Amend - p.7 -

300 - adopted

316 - Panning - line 26 p.7 - "initial" instead of the
but ist - White's amendment (#1) limit to 10 yrs -

345 White - rationale - longest legally defensible term -
likely - yet still allow time etc

10 yrs - likely as max -

417 - Henry Springer - as chairman of Bd of Game -

Tape 2 (cont) addressed game mgmt - guides - etc -
game mgmt versus length of time of (lease) -

↳ 9-1A - length of permit for guide -

at 2:30 Move To 5th Floor TIL 4:30

(4)

~~Copy~~
~~yes to vote~~

12-12-89

TAPE 7
side B

Motion to strike "initial" added to line 26 p 7 -
Adopted - w/no objection

Langlin - motion to delete reference to 20% staggering system.
(the initial 5yr permits)
para (b) - "approximately 20% of the seasons shall be offered each year."
delete section (a)

~~Burns motion - (see attached to vote~~
Vote #7 - approved - yes 8 No - 1

Burns Motion - see attached ~~to vote #8~~ ^{to this page}

p. 8 lines 1-4 - insert p 9 lines 10-18 etc
Vote #8 - adopted no objection

Burns - motion - add new section ^{3¹/₂ of Langlin draft} C - 650 p. 8 -
after "reasonable notice to notify" { would become c 60 -
adopted

Adjournment 3:4

Legislative Task Force on Guiding and Game

Meeting
of
December 11 and 12, 1989

AGENDA

December 11, 1989

9 a.m. to 12:30 p.m. and 1:30 to 4:30 p.m.

- I. Call to Order - Senator Jan Faiks, Chairman
- II. Approval of Agenda
- III. Business
 - A. Update on Fish and Game mapping project
 - B. Briefing on permit regulation system - Alaska Department of Natural Resources
 - C. Review and discussion of draft legislation for proposed Guide-Outfitter Resource Area Allocation Program

December 12, 1989 (if necessary)

9 a.m. to 2 p.m.

(Continued discussion of legislation)

- IV. Other Business
- V. Member Comments
- VII. Adjournment

LOCATION: Anchorage Legislative Information Center
Dec. 11th: 5th floor conference room
Dec. 12th: 1st floor conference room

* Teleconference available upon request through the local Legislative Information Office.

WORK DRAFT

WORK DRAFT

WORK DRAFT

6-1718A
Utermohle
12/6/89

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area per-
7 mits and the Big Game Commercial Services Board."

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

9 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

10 (1) unregulated access to game management units by guide-out-
11 fitters has hindered management of hunters guided or outfitted by guide-
12 outfitters, led to conflicts among guide-outfitters, and decreased the
13 quality of the hunting experience for clients of guide-outfitters and other
14 hunters;

15 (2) an economically viable guide-outfitter industry can offer a
16 quality hunting experience to hunters from throughout the world who seek a
17 unique opportunity to pursue and take trophy game animals;

18 (3) the guide-outfitter industry provides an opportunity for
19 enhancing the underdeveloped economy of the rural regions of the state;

20 (4) intense competition exists for big game in certain parts of
21 the state and allocation of hunting areas among guide-outfitters will limit
22 competition in those areas, will allow continued open access to the big
23 game resource, and will obviate the need for restrictive permit and lottery
24 hunts that are common in the lower 48 states;

25 (5) a resource-based management system for allocating access to
26 big game hunting opportunities among guide-outfitters will alleviate con-
27 flicts among guide-outfitters, will provide an effective basis for regulat-
28 ing guide-outfitters, and will enhance conservation and management of
29 wildlife.

1 (b) The purpose of this Act is to

2 (1) establish a resource-based system of allocating access to
3 big game hunting opportunities among guide-outfitters that is fully con-
4 sistent with common use principles of the Alaska Constitution; and

5 (2) enhance wildlife conservation and management, enhance the
6 role of the state in the conservation and management of wildlife, provide
7 economic and noneconomic benefits to the state and to the citizens of the
8 state, and generate revenue for the state from the utilization of wildlife
9 for commercial purposes.

10 * Sec. 2. AS 08.54 is amended by adding new sections to read:

11 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

12 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall
13 establish guide-outfitter use areas throughout the state. The board
14 shall consider the recommendations of the Department of Fish and Game
15 in identifying the boundaries of the use areas. The board shall adopt
16 the recommendations of the Department of Fish and Game for each use
17 area unless the board obtains a finding from the Department of Fish
18 and Game that an amended use area boundary as proposed by the board
19 will not adversely affect wildlife conservation and management.

20 (b) The board may amend the boundaries of use areas adopted
21 under (a) of this section if the Department of Fish and Game finds
22 that the proposed amendment will not adversely affect wildlife conser-
23 vation and management.

24 (c) The board shall annually offer available use areas to quali-
25 fied guide-outfitters and shall grant use area permits to the most
26 qualified applicants. The board shall stagger the offering of use
27 areas.

28 (d) The board may request recommendations from the public for
29 use areas to be offered at the next offering of use areas.

1 (e) The board shall determine whether a use area will be of-
2 ferred for sole or joint use before offering the use area. (((IF THE
3 DETERMINATION OF JOINT OR SOLE USE IS MADE AFTER APPLICATIONS ARE
4 ACCEPTED THEN THIS SUBSECTION WILL BE DELETED.)))

5 (f) Use areas for which use area permits have expired or been
6 relinquished by the permittee or revoked by the board may be offered
7 at the next offering of use areas.

8 (g) The notice of the offering of the use areas shall include
9 for each use area

10 (1) the location and a brief description of the use area;

11 (2) the use area permit issuance fee established under
12 AS 08.54.680;

13 (3) whether the use area is available for sole or joint
14 use. (((IF THE DETERMINATION OF JOINT OR SOLE USE IS MADE AFTER APPLI-
15 CATIONS ARE ACCEPTED THEN THIS PARAGRAPH WILL BE DELETED.)))

16 Sec. 08.54.620. GUIDE-OUTFITTER USE AREA PERMIT. (a) A guide-
17 outfitter use area permit authorizes a guide-outfitter to guide-outfit
18 hunts in the use area for those big game species specified by the
19 permit. A sole use area permit grants to the permittee the sole
20 privilege to guide-outfit hunts for all big game species that occur
21 within the use area. A joint use area permit grants to the permittee
22 the privilege to guide-outfit hunts in the use area for the big game
23 species specified in the permit. A joint use area permit may also
24 limit the number of big game animals that may be taken under the use
25 area permit.

26 (b) A use area that is not awarded to a guide-outfitter under
27 AS 08.54.640 is open to use by guide-outfitters who are certified to
28 guide-outfit hunts in the game management unit in which the use area
29 is located.

1 (c) If use area permits for a use area do not allocate all
2 available big game species among permittees, other qualified guide
3 outfitters who are certified to guide-outfit hunts in the game manage-
4 ment unit in which the use area is located may guide-outfit hunts for
5 the unallocated big game species in the use area.

6 (d) A guide-outfitter may not guide-outfit a hunt for a big game
7 species in a use area, unless

8 (1) the guide-outfitter has a use area permit that entitles
9 the guide-outfitter to guide-outfit hunts for that species in that use
10 area or that species in the use area is available under (b) or (c) of
11 this section; and

12 (2) the guide-outfitter is certified by the board to guide-
13 outfit hunts in the game management unit in which the use area is
14 located.

15 Sec. 08.54.630. APPLICATION FOR A GUIDE-OUTFITTER USE AREA
16 PERMIT. (a) A guide-outfitter who is licensed under AS 08.54.350 and
17 is certified by the board to guide-outfit hunts in the game management
18 unit in which the use area is located may apply for a guide-outfitter
19 use area permit.

20 (b) A guide-outfitter shall submit a separate application for
21 each use area permit sought. The application shall be made on a form
22 provided by the board and must be accompanied by the application fee.

23 Sec. 08.54.640. PROCEDURES FOR GRANTING GUIDE-OUTFITTER USE AREA
24 PERMITS. (a) The board shall adopt procedures for evaluating and
25 ranking applications for guide-outfitter use area permits. The proce-
26 dures must appropriately balance the criteria set out in (b) of this
27 section to ensure that new guide-outfitter licensees under this chap-
28 ter are not unfairly disadvantaged or denied an opportunity to obtain
29 a use area permit in those game management units for which the licen-

1 see is certified by the board.

2 (b) The board shall evaluate and rank applications for guide-
3 outfitter use area permits according to the following criteria:

4 (1) the applicant's experience in or knowledge of the use
5 area;

6 (2) the economic viability of the applicant's proposed
7 guide-outfitting operation in the use area;

8 (3) the applicant's history of safety in guide-outfitting
9 hunts or demonstrated ability to guide-outfit hunts safely;

10 (4) the applicant's history of compliance with state and
11 federal fish and game and guide-outfitting statutes and regulations;

12 (5) the applicant's history of compliance with AS 08.54.-
13 520(a) in regard to prior authorization to enter or remain on state,
14 federal, or private land;

15 (6) whether the applicant has obtained those prior autho-
16 rizations to use state, federal, or private land; that are reasonably
17 necessary to conduct guide-outfitted hunts within the use area or has
18 demonstrated the ability to acquire those authorizations;

19 (7) whether the applicant holds all permits and licenses
20 necessary to guide-outfit hunts in the use area or has demonstrated
21 the ability to obtain the necessary permits and licenses;

22 (8) whether the applicant holds any other use area permits;
23 an applicant who does not hold a use area permit shall receive addi-
24 tional preference in ranking of the applicant's application;

25 (9) whether the applicant is seeking the first renewal of a
26 use area permit for a specific use area and whether the applicant
27 complied with the terms of the use area permit; an applicant for a
28 first renewal of a use area permit for a specific use area who has
29 complied with the terms of the use area permit shall receive

1 significant additional preference in ranking of the applicant's appli-
2 cation.

3 (c) The board shall review the applications and rank the appli-
4 cants according to the procedures adopted under (a) of this section.
5 (((THE FOLLOWING MATERIAL SHOULD BE INSERTED IF THE DECISION TO AWARD
6 JOINT OR SOLE USE AREAS IS MADE AFTER APPLICATIONS ARE RECEIVED: The
7 board shall give notice of the rankings of applicants for each use
8 area to the applicants for that use area. Applicants shall have 30
9 days to amend their applications. If amended applications are re-
10 ceived by the board, the board shall reconsider those applications and
11 the ranking of the applicants according to the procedures adopted
12 under (a) of this section.))) The board shall award the use area
13 permits to the highest ranking applicants.

14 (d) If two or more applicants have the same highest ranking, the
15 board shall notify the applicants of the tie. These applicants shall
16 have 30 days in which to reach an agreement as to which applicant is
17 to receive the permit for the use area in question. If the applicants
18 reach an agreement as to which applicant shall receive the use area
19 permit, the board shall review the agreement to determine whether the
20 agreement is consistent with the purposes of AS 08.54.610 - 08.54.680.
21 If the board determines that the agreement is consistent with AS 08.-
22 54.610 - 08.54.680, the board shall issue the use area permit in
23 accordance with the agreement. If at the conclusion of the 30 days
24 the applicants do not reach an agreement, or if the agreement is not
25 approved by the board, or if the applicants notify the board before
26 the expiration of the 30 days that they cannot or do not want to reach
27 an agreement, the board shall determine the successful applicant by
28 lot.

29 (e) If a successful applicant does not provide, at the time of

1 granting the use area permit, proof of the permits and licenses neces-
2 sary to conduct guide-outfitted hunts in the use area or the authori-
3 zations to use state, federal, or private land that is reasonably
4 necessary to conduct guide-outfitted hunts within the use area, the
5 board shall issue a conditional use area permit that is valid for 120
6 days. A conditional use area permit does not entitle the permittee to
7 guide-outfit hunts within the use area. If the successful applicant
8 provides proof satisfactory to the board within 120 days after issu-
9 ance of the conditional use area permit that the applicant received
10 the necessary permits and licenses and land use authorizations within
11 90 days after the conditional use area permit was issued, the appli-
12 cant shall receive a use area permit. If the successful applicant
13 does not provide the required proof within 120 days after issuance of
14 the conditional use area permit, the conditional use area permit is
15 void. If a conditional use area permit is voided under this sub-
16 section, the board shall offer the use area permit to the next highest
17 ranking applicant for the use area.

18 (f) The successful applicant for a guide-outfitter use area
19 permit shall pay the permit issuance fee established under AS 08.-
20 54.680(b).

21 Sec. 08.54.650. TERM AND SUSPENSION OR REVOCATION OF GUIDE-
22 OUTFITTER USE AREA PERMIT. (a) The board shall grant guide-outfitter
23 use area permits for a term not to exceed 10 years, unless the board
24 determines, after consultation with the Department of Fish and Game,
25 that a longer term will further promote the wildlife conservation and
26 management objectives of the use areas. The term of a use area permit
27 may not in any instance exceed 15 years.

28 (b) Use area permits may be suspended or revoked by the board
29 after a hearing for

- (1) violation of the conditions of the permit;
- (2) wildlife conservation and management considerations;
- (3) fraud in applying for the permit; and
- (4) other good cause as determined by the board.

(c) A use area permit may be revoked by the board if the permittee fails to exercise the privileges conferred by the use area permit for one year.

Sec. 08.54.660. TRANSFER OF GUIDE-OUTFITTER USE AREA PERMITS.

(a) A use area permit may be transferred if the transfer is

- (1) consistent with the purposes of AS 08.54.610 - 08.54.680;
- (2) for good cause, as defined by the board; and
- (3) approved by the board.

(b) A transferred use area permit is valid only for the period for which the permit was originally issued.

(c) If proceedings in which a guide-outfitter license may be revoked or suspended under this chapter are pending against a guide-outfitter, the use area permits held by the guide-outfitter may not be transferred unless allowed by the board. During the period for which a guide-outfitter license is suspended under this chapter, the guide-outfitter's use area permits may not be transferred.

(d) If proceedings in which a guide-outfitter use area permit may be revoked or suspended under AS 08.54.650 are pending against a guide-outfitter, the use area permits that are subject to the proceedings may not be transferred. During the period for which a use area permit is suspended under AS 08.54.650, the permit may not be transferred.

Sec. 08.54.670. INFORMATION ON GUIDE-OUTFITTER USE AREAS. (a)

The board shall maintain and publish on a regular basis a

1 comprehensive list of all allocations of big game species within
2 guide-outfitter use areas that are available for use by qualified
3 guide-outfitters.

4 (b) The board, in conjunction with the Department of Fish and
5 Game, shall maintain a centralized information center where informa-
6 tion on guide-outfitter use areas and guide-outfitters can be readily
7 obtained by guide-outfitters, government agencies, and the public.

8 Sec. 08.54.680. FEES FOR APPLICATION FOR AND ISSUANCE OF GUIDE-
9 OUTFITTER USE AREA PERMITS. (a) The department shall set the fee for
10 an application for a guide-outfitter use area permit under AS 08.-
11 01.065.

12 (b) Notwithstanding AS 08.01.065, the department shall charge a
13 fee for the issuance of guide-outfitter use area permits that reflects
14 the value of the privileges conferred by the use area permit and that
15 ensures a fair return to the people of the state for the commercial
16 use of the big game resources in the use area.

17 (c) The commissioner of administration shall separately account
18 for application fees and permit issuance fees deposited in the general
19 fund by the department. The annual estimated balance in the account
20 may be used by the legislature to make appropriations to the Depart-
21 ment of Fish and Game and the Department of Public Safety to carry out
22 their respective responsibilities for management of game resources and
23 enforcement of game laws.

24 * Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

25 (11) certify guide-outfitters to conduct guide-outfitting
26 activities within a game management unit;

27 (12) establish by regulation a system of guide-outfitter use
28 areas for allocating access to big game hunting opportunities among
29 guide-outfitters.

1 * Sec. 4. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

2 The Department of Fish and Game shall propose guide-outfitter use areas for
3 use by the Big Game Commercial Services Board in establishing a resource-
4 based management system for allocating access to big game hunting oppor-
5 tunities among guide-outfitters. The department shall identify proposed
6 guide-outfitter use areas for appropriate regions and areas of the state.
7 The department may set priorities for identifying use areas and may deter-
8 mine the extent and number of use areas to be identified at one time. The
9 department shall complete the identification of proposed use areas within
10 two years after the close of the first public comment period prescribed
11 under (e) of this section. The department shall complete the identifica-
12 tion of proposed use areas for a significant portion of the state within
13 nine months after the close of the first public comment period prescribed
14 under (e) of this section.

15 (b) The Big Game Commercial Services Board may recommend to the
16 department those areas of the state that should receive priority in identi-
17 fying use areas.

18 (c) The department shall publish a public notice that it is accepting
19 nominations of areas for identification as proposed guide-outfitter use
20 areas. The department shall accept nominations for use areas for 60 days
21 after the notice is first published.

22 (d) The department shall review nominations for proposed use areas
23 and accept, amend, or reject the nominations in light of the following
24 considerations:

25 (1) wildlife management concerns, including abundance and diver-
26 sity of wildlife, historical harvest of wildlife from the area, and exist-
27 ing administrative boundaries established for wildlife management purposes;

28 (2) wildlife law enforcement concerns;

29 (3) land ownership in the area;

- 1 (4) administrative restrictions;
2 (5) existence of boundaries that can be readily identified in
3 the field;
4 (6) accessibility of the area and other transportation consid-
5 erations;
6 (7) existence of complementary and noncomplementary land uses
7 within the area;
8 (8) existing facilities within the area; and
9 (9) other considerations relevant to the purposes of this sec-
10 tion.

11 (e) Upon completion of the review of nominations under (d) of this
12 section, the department shall publish and distribute a map or description
13 of the proposed use areas and shall solicit public comment on the proposed
14 use areas. The public shall have 45 days after the map or descriptions are
15 distributed to comment on the use areas proposed by the department. At the
16 close of the comment period, the department shall review the proposed use
17 areas in light of the public comment received and shall make a final deter-
18 mination of the boundaries of the proposed use areas. The department shall
19 transmit its determinations of the boundaries of the proposed use areas to
20 the Big Game Commercial Services Board as the final determinations are
21 made.

22 (f) The actions of the department under this section are exempt from
23 the Administrative Procedure Act (AS 44.62).

24 (g) In this section

25 (1) "department" means the Department of Fish and Game;

26 (2) "public" includes a natural person, corporation, associa-
27 tion, organization, society, company, partnership, or state, federal, or
28 local government agency.

29 * Sec. 5. (a) Notwithstanding AS 08.54.650(a), as enacted by sec. 2 of

1 this Act, during the first five years that guide-outfitter use areas are
2 offered, guide-outfitter use area permits shall be issued for a period of
3 not more than five years.

4 (b) During the first five years that offerings are made under AS 08.-
5 54.610 - 08.54.680, enacted by sec. 2 of this Act, the Big Game Commercial
6 Services Board shall offer all guide-outfitter use areas. Approximately 20
7 percent of the use areas shall be offered each year.

8 * Sec. 6. SEVERABILITY. If a provision of this Act or the application
9 of this Act to a person or circumstance is held invalid, the remainder of
10 this Act and the application of this Act to other persons or circumstances
11 are not affected by the invalidity.

12 * Sec. 7. AS 08.54.310(b)(1) is repealed.
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MEMORANDUM

TO: Legislative Task Force on Guiding and Game
 THROUGH: Honorable Jan Faiks, Chairman
 FROM: William P. Horn *WPH*
 RE: Unresolved Policy Issues
 DATE: November 30, 1989

It appears that only five significant policy issues remain unresolved. The following identifies these issues and outlines the basic choices. Once the Task Force makes its decisions, appropriate statutory language will be incorporated into the proposed draft bill.

1. Sole or Joint Use Determination

Option 1A -- Have Big Game Commercial Services Board (CSB) determine prior to receipt of applications whether guide resource areas are to be available for sole use permits or joint use permits.

Under this approach, guide resource areas would be designated as sole or joint areas before applications are accepted. The determination would be made the CSB. Sole use would be exclusive use of the area for all species of big game for the term of the license. Joint use would be shared use of the area including sharing of species or sole use of different species (e.g., guide/outfitters x and y authorized to take 5 species in Area 1; guide/outfitter x authorized to take Dall Sheep in Area 1 -- guide/outfitter y authorized to take other species in area 1). Guide/outfitter applicants would tailor their applications to match the determinations made by the CSB (e.g., a guide/outfitter interested in sole use permit would not apply for an area designated for joint use). Section 08.5.610(g)(3) of the Nov. 17

Legislative Task Force on Guiding and Game
November 30, 1989

Page 3

Re: Unresolved Policy Issues

3. Land Owner Consent

Option 3A -- Section 08.54.640(b)(5) of the Work Draft requires that guide/outfitters must obtain access authorization from all landowners in a guide resource area. This could require that permission be obtained from all land owners including native allottees, mining claim holders, remote site "homesteaders," etc.

Option 3B -- Adopt a modification that requires guide/outfitters to obtain land access authorization from only significant or major landowners within an area. A definition of such terms will need to be adopted.

4. Land Owner Independence from Program

Option 4A -- Expressly recognize the ability of private land owners to make wholly independent arrangements with licensed guide/outfitters to provide hunting services on the owner's land. The land owner would notify the CSB that its lands should not be included in any guide resource areas.

Option 4B -- Authorize land owners (significant, major, or otherwise) within an area to effectively veto guide/outfitters awarded the area by CSB. Hunting services in an area can only be provided by a licensed guide(s) (1) awarded the area by the CSB and (2) provided access authorization by land owners.

Option 4C -- Direct the CSB (and the State) to use its constitutional authority under Article VIII, Section 16 to preempt landowners and ensure that guide/outfitters awarded an area can use the land therein. Exercise of this authority would constitute a "taking" and require just compensation to the affected land owner.

5. Fees

See separate fees memorandum.

WH/jp

CORRECTION

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Legislative Task Force on Guiding and Game
November 30, 1989

Page 2

Re: Unresolved Policy Issues

Work Draft reflects this option. This approach would also eliminate the need for guide/outfitters to amend their applications as provided for in Section 08.54.640(c) of the work draft bill.

Subissue -- If this approach is adopted, the Task Force should decide whether the CSB determination may be challenged and whether the statute should contain criteria or guidelines for making the sole v. joint use determination.

Option 1B -- Have the CSB determine after receipt of applications whether guide resource areas are to be available for sole use or joint use permits.

This arrangement would have guide/outfitters apply for areas and specify in the application whether they are seeking sole or joint use as explained above. The CSB would make its determinations at the time it reviews the applications. An application amendment process would be authorized to facilitate guide/outfitters (i.e., guide/outfitter x applies for sole use of area 1, CSB determines to make it joint use area, x permitted to amend application and seek joint use permit) (see Section 08.54.640(c) of Work Draft).

Subissue -- If this approach is adopted, the Task Force should decide whether the CSB determination may be challenged and whether the statute should contain criteria or guidelines for making the determination.

2. Unawarded Species in an Area

Option 2A -- Section 08.54.620(b) of the Work Draft ("all allocations of big game") establishes the prospect that not all game species will be awarded through the issuance of sole or joint use permits (e.g., guide/outfitters x and y are awarded joint use of area 1 for all species except caribou). The Work Draft would permit other qualified guide/outfitters to take caribou within area 1.

Option 2B -- Provide that sole or joint use permits shall allocate all of the game species available for guide/outfitters and non-residents within an area. There would be no "unawarded" hunting within areas covered by guide resource area permits. Deletion of the phrase that beings "all allocations of big game species. . . ." would effectuate this option.

Legislative Task Force on Guiding and Game
November 30, 1989

Page 3

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5. Fees

See separate fees memorandum.

WH/jp

AKHIOK KAGUYAK, INC.

December 8, 1989

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

RE: Amendment to Guide-Outfitter Legislation

Dear Senator Faiks:

I am hereby submitting a proposed amendment to the November 17, 1989 Work Draft of the Senate Bill for "An Act relating to guide-outfitter use Areas." This amendment clarifies the types of landowner authorizations required to satisfy license criteria number 5. The proposed action would amend criteria (5) on page five, line 9, by removing the words "on land" after the word "hunts" and replacing the removed words with "from all significant landowners." The amended criteria (5) would read as follows:

(5) the applicant's history of compliance with AS 08.54.520(a) in regard to prior authorization to enter or remain on state, federal, or private land, and whether the applicant has obtained the prior authorizations necessary to guide-outfit hunts from all significant land owners within the use area or has demonstrated the ability to acquire the necessary prior authorizations;

This amendment clarifies the intent of criteria (5) by making it clear that a guide does not need authorization from all the owners of small inholdings to acquire his license or permit for a guide area but does need the authorization of all significant land owners within the guide area. By requiring such authorizations, trespass problems will be minimized; game will be taken from throughout the guide area resulting in balanced management; cooperation between the area's landowners and guides would be encouraged; land ownership boundaries, except small inholdings, would not be arbitrary barriers to the fair chase of the hunt; and significant private landowners would be encouraged to keep their lands open to guided hunting due to their involvement in the system.

CORRECTION

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I look forward to discussing this amendment with you and the Task Force on Monday, December 11, 1989.

Sincerely,

Ralph L Eluska

Ralph Eluska
President

DH/laf

WORK DRAFT

WORK DRAFT

WORK DRAFT

Jan,

amendment
 Location of our ~~language~~ in new
 draft of legislation

1 see is certified by the board.

2 (b) The board shall evaluate and rank applications for guide-
 3 outfitter use area permits according to the following criteria:

4 (1) the applicant's experience in or knowledge of the use
 5 area;

6 (2) the economic viability of the applicant's proposed
 7 guide-outfitting operation in the use area;

8 (3) the applicant's history of safety in guide-outfitting
 9 hunts or demonstrated ability to guide-outfit hunts safely;

10 (4) the applicant's history of compliance with state and
 11 federal fish and game and guide-outfitting statutes and regulations;

12 (5) the applicant's history of compliance with AS 08.54.-
 13 520(a) in regard to prior authorization to enter or remain on state,
 14 federal, or private land;

15 (6) whether the applicant has obtained those prior autho-
 16 rizations to use state, federal, or private land; that are reasonably
 17 necessary to conduct guide-outfitted hunts within the use area or has
 18 demonstrated the ability to acquire those authorizations;

19 (7) whether the applicant holds all permits and licenses
 20 necessary to guide-outfit hunts in the use area or has demonstrated
 21 the ability to obtain the necessary permits and licenses;

22 (8) whether the applicant holds any other use area permits;
 23 an applicant who does not hold a use area permit shall receive addi-
 24 tional preference in ranking of the applicant's application;

25 (9) whether the applicant is seeking the first renewal of a
 26 use area permit for a specific use area and whether the applicant
 27 complied with the terms of the use area permit; an applicant for a
 28 first renewal of a use area permit for a specific use area who has
 29 complied with the terms of the use area permit shall receive

*from all significant
 land owners.*

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 M E M O
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SUGGESTED CHANGES TO WORK DRAFT BILL "AN ACT RELATING TO GUIDE-OUTFITTER USE AREAS"

pg 1, line 9 change game management units to resource use areas.

pg 1, line 20 insert "access to" so it reads allocation of access to hunting areas....

pg 1, lines 23,24 COMMENT. Some testimony indicated that they actually favored permit and lottery type hunts. Will this legislation completely obviate the need for permit and lottery type hunts?

pg 1, line 25 In this section the bill deals with "access to big game hunting opportunities", in Section 1 (1) above it was access to game management units (which I suggested be changed), in (4) it's allocation of hunting areas. Let's select some consistent language about what is being allocated or regulated and stick to it!

pg 2, lines 12, 13, 14 There is no a priori reason not to establish use areas in Federal park areas. And I cannot recall any discussion about urbanization. DELETE this.

pg 2, line 17 DELETE "economic viability" replace with "wildlife conservation and management"

pg 2, lines 19-25. After all the discussion about "economic viability" (however it ends up defined), this language is inconsistent by turning around and asking ADF&G for a written finding about wildlife conservation and management. Suggest DELETE lines 19-25. Replace with language changing (b) below to that line 27 reads "if, after a review of the proposed amendments by ADF&G, the Department of Fish and Game finds...."

pg 3, line 1 and throughout. Change "use area license" to "use area permit".

pg 3, line 3 (d) Request nominations from the public???

pg 3 line 23 ADD species specified in the use area license that occur...

pg 4, lines 22-24 SUGGEST "The system shall appropriately balance the criteria set out in (b) of this section to ensure that first-time permittees for a use area are not"

criteria (2) As I recall the discussion, we were mostly concerned with the applicant's economic wherewithall to carry through with his plans and not the economic viability of a guide-outfitting operation in the area. In other words, does what the applicant propose within his economic means look reasonable, not does the area have great economic potential.

pg 8, line 9,10,11 See Comment on page 2, lines 12,13,14. Again there was no discussion about urbanization. DELETE THESE LINES.

pg 9, line 7 ADD may accept, amend, etc.

pg 10, Sec. 4 The intent is to have the first issuance of a use area permit be for not more than five years. This language won't accomplish that if a use area permit is first issued in year six following the act. There is nothing to prohibit its term from being greater than five years. I know, all the use areas will get nominated and be issued within the first five years after the passage of the act, thus making this moot. But what if they aren't all issued? Or, if someone argues that each new alignment of lines on the map is a new use area?

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MEMORANDUM**RECEIVED**

DEC 11 1989

JAN FAIKS
SENATE OFFICE

TO: Legislative Task Force on Guiding and Game

THROUGH: Honorable Jan Faiks
Chairman

FROM: William P. Horn *WPH*

DATE: December 7, 1989

SUBJ: Criteria for Sale or Joint Use Determination

INTRODUCTION

I suggest that the Task Force consider adoption of the following criteria to govern Big Game Commercial Services Board (CSB) determination of whether a guide resource area is available for a sole use or joint use permit. Most of the criteria are applicable under pre-application or post-application determination procedures. Any criteria that the Task Force adopts can be incorporated into the proposed bill.

PROPOSED CRITERIA

1. **Species Present and Related Management Considerations.**
Long lived species such as Dall sheep and brown bear lend themselves to trophy management. Areas with these species may be better suited to sole use permits to induce sound, long range management and attendant uses. On the other hand, an area with strong caribou populations may be better for joint use. The CSB, in conjunction with ADF&G, should first consider species mix and management needs/objectives in sole v. joint decisions.

Legislative Task Force on
Guiding and Game
December 7, 1989
Page 2

2. Amount of Game Available. The numbers of available game species would be a second consideration. Areas with low productivity and low numbers would be hard to set up for joint use. Areas with large populations appear more suitable for shared use.

3. Impact on Resident Hunters. Alaska citizens are the beneficiaries of the common use clause. Their interests should be a primary consideration in deciding whether an area will be available for sole or joint use by guide/outfitters.

4. Economic Viability. The economic effects of sole or joint use permits should be another consideration. Arrangement which effectively eliminate a viable guide/outfitter industry are contrary to the thrust of this program. Permit classifications that thwart viable operations should be avoided.

5. Competition. Areas that are subject to intense competition (i.e., there are numerous applications to guide/outfit in an area) should be prime candidates for joint use status. This assumes that joint use status is not at odds with the other criteria. It will be easier to employ this criterion in a post-application decision program.

WPH:jap
WPH152M.AGC

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

A PROFESSIONAL CORPORATION

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MEMORANDUM

TO: Legislative Task Force on Guiding & Game

THROUGH: Honorable Jan Faiks
Chairman

FROM: William P. Horn *WP/H*

SUBJ: Fee Proposals

DATE: November 30, 1989

=====

The Task Force has a multitude of options available regarding the creation of a fee structure for the proposed guide/outfitter resource area allocation program.

Application Fees

An application fee may be required. The purposes of such a fee would be two-fold: (1) recover the costs, in whole or in part, of administering the application process and (2) screening out frivolous applications.

Four Systems

Four general fee structures could be adopted by the Task Force: (1) fixed, (2) percentage of gross, (3) per animal taken, or (4) per acre of awarded guide area. These are not necessarily mutually exclusive and could be combined into various package. The four approaches are discussed below.

1. **Fixed Fee**

This is the simplest system. Basic fees for sole use or joint use permits would be set. It could be collected annually and set

Legislative Task Force on Guiding & Game
Honorable Jan Faiks
November 30, 1989

Page 2

to reflect the program goals. Fees could range from levels to ensure that the State gets some fair consideration to levels designed to obtain maximum value. The fees could be statutorily set, set by the Big Game Commercial Services Board (CSB) per criteria, or left to the discretion of the CSB.

Although simple and direct, a fixed fee system may prove inequitable since it would involve imposition of the same fees on operations of disparate size. This might be corrected with a range of fixed fees but that causes the system to begin to lose its attractive simplicity.

2. Percentage of Gross

The Federal agencies presently employ a system in which the lessee, permittee, or concessionaire annually pays a small percentage of its gross revenues to the Federal agency. It ensures that the larger operations pay an appropriate larger share. Applied in this case, it would create a difficult accounting system as the gross receipts of all guides/outfitters would have to be accounted for. I strongly suspect that a significant bureaucracy would have to be created to administer this kind of fee system. On the other hand, the system matches payment to the size of the operation and means the State will be assured of receiving consideration that matches the value of the granted privilege.

3. Per Animal Fee

Holders of area permits would be charged a fee for each animal taken by the holder or his clients within the holder's area. The fee could be fixed for each species or could be established as a percentage of the non-resident tag value of each species. The fee could be made higher for sole use permittees as opposed to joint use permittees.

Such a system should be relatively simple to administer. It also matches payment to the State to the actively level of the guide/outfitter. Moreover, a slightly higher fee structure for sole use permits reflects the greater value of the privilege granted by such a permit.

4. Per Acre Fee

Holders of permits would be charged a per acre for the acreage with guide resource areas where they hold sole or joint use permits. A higher rate would be charged for sole use permits. This is a relatively simple system and matches payment to the privilege (i.e., larger areas cost more than smaller ones). It is

Legislative Task Force on Guiding & Game
Honorable Jan Faiks
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Page 3

likely to have the effect of making guide areas smaller and does not reflect the varying quality of different geographic regions (e.g., a fee of \$X per acre may be a bargain on the Alaska Peninsula and an overcharge in the Brooks Range).

CONCLUSION.

Each of these systems has benefits and disadvantages. Additionally, they are not mutually exclusive: all can be combined in different fashion. The critical criteria appear to be (1) simplicity of administration, (2) fair payment to the State, and (3) no undue burdens imposed on guide/outfitters.

I would suggest that you consider a combination of the per animal and per acre systems. A nominal per acre fee would demonstrate that the guide/outfitter is paying for the privilege of offering hunts, to the exclusion of others, on a specified piece of real estate. A per animal fee would match payment to activity and ensure a fair return to the State. This combination appears to satisfy the concerns articulated in the Owsichuk decision.

/jp

rec'd 11/28/89 via pgs

October 22, 1989

Mr. C. Wayne Taylor
1931 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, ADNRR/L&WM, Fairbanks
Al Ott, ADF&G, Fairbanks
Dennis Tiepleman, NWAB, Kotzebue

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; therefor, 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).

P. 3/3

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 ELM 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

RECEIVED
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

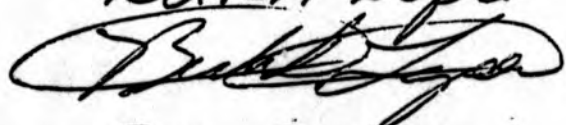
rate so that they can accommodate more hunters.

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

ALASKA WILDERNESS EXPEDITIONS

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

page 1 of 2

Nov. 5, 1989

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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-Atnu 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 Owsickie decision left me feeling very disheartened and dissatisfied 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

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John Fitzgerald

May 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,

Kevin L. French

RECEIVED

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 an 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

KWETHLUK INCORPORATED

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

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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

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 Amaktoolik, 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
NIEKORYUK, 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 fat & Rich Alaska's Sports ~~men~~ 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

November 20, 1989

RECEIVED

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

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 ~~and~~ 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 have any problem with that but to charge those not using then I do have 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

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.

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

November 20, 1989

RECEIVED

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

NOV 22 1989

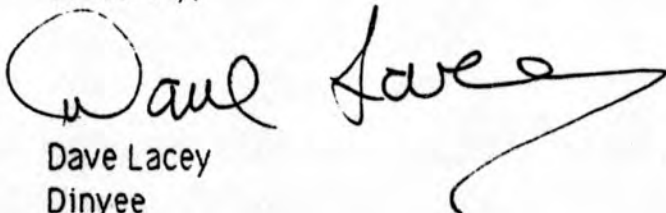
JAN FAIKS
SENATE OFFICE

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

6 December 1989

RECEIVED

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 nolder 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 taxies, 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 ①

RECEIVED

DEC 6 1989

RECEIVED

DEC 5 1989

RECEIVED

DEC 6 1989

JAN FAIKS
SENATE OFFICE

JAN FAIKS
SENATE OFFICE

SENATE OFFICE

Dear Senator Fails

Under Federal and State Freedom of Information acts I request that you be informed

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 alternate Constitution.

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

4. ~~How~~ were the State attorney generals offices used and if so why was ~~was~~ 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 law

12/6/89

(2)

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

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

SCOMM

67:13

Legislative Task Force on Guiding and Game

Work Session
of
January 4th and 5th, 1990

AGENDA

Anchorage Legislative Information Office
Main Conference Room

January 4th 10:30 a.m. to 5:30 p.m.
January 5th 9:30 a.m. to 5:30 p.m.

- I. Call to Order - Senator Jan Faiks, Chairman
- II. Approval of Agenda
- III. Business
 - A. Review and discussion of draft legislation
 - B. Discussion of final report to the Legislature
- IV. Other Business
- V. Member Comments
- VII. Adjournment

Public comment periods: 1:30 p.m. to 2:30 p.m. and 4:30 p.m.
to 5:30 p.m. each day.

* Teleconferencing available upon request

P2/16

STATE OF ALASKA THE LEGISLATURE

POUCH - STATE CAPITOL
JUNEAU ALASKA 99801
907-465-1800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

December 15, 1989

SUBJECT: Revision of legislation relating to guide-
outfitter use area permits following the Task
Force meetings of December 11 - 12, 1989
(Work Order No. 6-1718)

TO: Senator Jan Faiks
Chair, Task Force on Guiding and Game

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum accompanies the Task Force bill as revised subsequent to the December 11 - 12 meetings of the Task Force. The bill contains those changes made by the Task Force.

Page 1, lines 10 - 18: Section 1(a)(1) and (a)(2) as adopted by the Task Force have been combined in a single paragraph.

Page 1, lines 22 - 24: The language adopted by the Task Force was revised to maintain consistent form and style. The Task force should review the new language to ensure that the intended meaning has not been altered.

Page 4, lines 17 - 26: This subsection has been rewritten to require that in a joint use area all big game species are included under the use area permits granted for the use area when all of the use area permits are considered together.

Page 7, lines 5 - 12: The Task Force language relating to reevaluation of applications to determine the best qualified applicants has been rewritten to simplify the language.

The attached amendment is included for the consideration of the Task Force. The amendment moves those provisions relating to preferences for use area permits out of the subsection relating to qualifications to receive use area permits and into a new subsection. This amendment eliminates the confu-

Senator Jan Faiks
Page 2
December 15, 1989

sion of preferences with qualifications that exists in the present draft and addresses each issue separately.

GU:mi
wkm15/056

Enclosure

6-1718Aj
UtermohleA M E N D M E N T

TO: W.O. 6-1718A (dated 12/15/89)

Page 6, line 24:

Delete ";

Insert "."

Page 6, line 25 through page 7, line 4:

Delete all material

Insert a new subsection to read:

"(c) An applicant shall receive a preference for a use area permit if the applicant

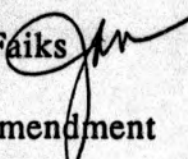
(1) is determined to be qualified by the board; and

(2) does not hold a use area permit or is seeking the first renewal of a use area permit for a specific use area."

Reletter the following subsections accordingly.

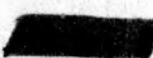
December 22, 1989

MEMORANDUM

TO: George Utermohle
FROM: Senator Jan Faiks 
SUBJECT: Guide Bill Amendment

Good

Please prepare an amendment for the Guide Task Force's consideration at its January 4th and 5th meeting which would allow guides to prequalify for several Game Management Units as described in the attached letter.

Because my Anchorage office is closed for the move to Juneau 




Thank you.



Kelly Vrem Registered Guide & Outfitter

P.O. Box 670742 • Chugiak, AK 99567 • (907) 688-3736

Senator Jan Faiks
Members of the Guiding and
Outfitting Task Force

December 12 1989

Chairman Faiks,

First let me express my thanks for the time and effort you and the members of the Task Force have put forth during the last months. Yours is a thankless and underappreciated job. The complexities of the Guiding business would be enough without the problems generated by the "Supremes" you have a difficult job to balance the needs of the various players in the commercial hunting business. It has been my pleasure to observe that the Task Force has what I see to be a pretty clear understanding of nature of the business. I know guiding will never be the same as it was but I am confident that you are taking the proper amount of time and research to come as close to as you can to a fair settlement within the constraints placed on you.

At this time I would like to once again request that you would allow Guides to prequalify for several Game Management Units. I would propose that a Guide might only be permitted to operate in 3 GMU's at any one time. The Guide could notify the proper authorities of his or her intentions 60 to 90 days in advance of the guiding activities.

Under the present system There is 6 to 12 months of lag time to exchange GMU'S. This results in a large number of people clustered id some of the choice units myself included. I have my eye on many open areas that were unclaimed under the old area system. To prospect one of these now would expose me to risks of losing up to a year of time. i am ready and willing to prospect new areas if I can make the proper adjustments in a timely manner. I do not think this would result in stampedes of guides charging around the state. All the proven "Plums" are spoken for. This type of system would would allow the newly licensed guides to do some exploration and still retain the option of trying to obtain one of these "plum" areas.

Thanks again for your efforts.

Kelly Vrem

6-1718A
Utermohle
12/15/89

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permit
7 and the Big Game Commercial Services Board."

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

9 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

10 (1) unregulated access to game management units by guide-out-
11 fitters

12 (A) can potentially harm the state's valuable big game
13 resources by allowing overharvest of big game species or populations
14 that have a low recovery capacity or that exist in low abundance; and

15 (B) has hindered management of hunters guided or outfitted
16 by guide-outfitters, led to conflicts among guide-outfitters, and
17 decreased the quality of the hunting experience for clients of guide-
18 outfitters and other hunters;

19 (2) an economically viable guide-outfitter industry can offer a
20 quality hunting experience to hunters from throughout the world who seek a
21 unique opportunity to pursue and take trophy game animals in the state and
22 can contribute significantly to the state's economy by increasing tourism
23 and supporting a variety of businesses associated with the guide-outfitter
24 industry;

25 (3) the guide-outfitter industry provides an opportunity for
26 enhancing the state's economy, particularly the underdeveloped economies of
27 the rural regions of the state;

28 (4) intense competition exists for big game in many parts of the
29 state and the allocation of access to big game guide-outfitting

1 opportunities among guide-outfitters will prevent overharvest of wildlife
2 in those areas and will allow continued open access to the big game re-
3 source by all users;

4 (5) a resource-based management system for allocating access to
5 big game hunting opportunities among guide-outfitters will alleviate con-
6 flicts among guide-outfitters, will provide an effective basis for regulat-
7 ing guide-outfitters, and will enhance conservation and management of
8 wildlife;

9 (6) a long-term interest in the conservation of wildlife encour-
10 ages sound management practices among users of wildlife and fosters a
11 mutually beneficial relationship between wildlife and the users of wildlife
12 because the user understands that the user's own future well-being is
13 dependent upon wise use of the resource in the present.

14 (b) The purpose of this Act is to

15 (1) establish a resource-based system of allocating access to
16 big game hunting opportunities among guide-outfitters that is fully con-
17 sistent with common use principles of the Constitution of the State of
18 Alaska; and

19 (2) support the conservation and management of the state's
20 wildlife, provide economic and noneconomic benefits to the state and to the
21 citizens of the state, and generate revenue for the state from the wise use
22 of wildlife for commercial purposes.

23 (c) This Act does not affect the existing rights and privileges of
24 subsistence and resident sport hunters to take game in the state.

25 * Sec. 2. AS 08.54 is amended by adding new sections to read:

26 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

27 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall
28 establish guide-outfitter use areas throughout the state. The board
29 shall consider the recommendations of the Department of Fish and Game

1 in identifying the boundaries of the use areas. The board shall adopt
2 the recommendations of the Department of Fish and Game for each use
3 area unless the board obtains a finding from the Department of Fish
4 and Game that an amended use area boundary as proposed by the board
5 will not adversely affect wildlife conservation and management.

6 (b) The board may amend the boundaries of use areas adopted
7 under (a) of this section if

8 (1) the Department of Fish and Game finds that the proposed
9 amendment will not adversely affect wildlife conservation and manage-
10 ment; and

11 (2) the board notifies all guide-outfitters who hold use
12 area permits for the affected use areas of the proposed amendment and
13 provides those guide-outfitters with an opportunity to comment on the
14 proposed amendment.

15 (c) The board shall annually offer available use areas to quali-
16 fied guide-outfitters. The board shall stagger the offering of use
17 areas.

18 (d) The board may request recommendations from the public for
19 use areas to be offered at the next offering of use areas.

20 (e) The board shall decide whether a use area will be offered
21 for sole or joint use before offering the use area. In making its
22 decision, the board shall consider for each use area

23 (1) information provided by the Department of Fish and Game
24 on the status of big game populations, historical harvests of big
25 game, and uses of wildlife in the use area;

26 (2) previous use by guide-outfitters that would facilitate
27 game management and planning;

28 (3) requirements for economically viable guide-outfitter
29 operations;

1 (4) the number of economically viable guide-outfitter
2 operations that the use area could support;

3 (5) the effect of guide-outfitting activities on resident
4 hunters; and

5 (6) other relevant factors, including land ownership and
6 management concerns and law enforcement concerns.

7 (f) Use areas for which use area permits have expired or been
8 relinquished by the permittee or revoked by the board may be offered
9 at the next offering of use areas.

10 (g) The notice of the offering of use areas shall include for
11 each use area

12 (1) the location and a brief description of the use area;

13 (2) the use area permit issuance fee established under
14 AS 08.54.680;

15 (3) whether the use area is available for sole or joint
16 use.

17 Sec. 08.54.620. GUIDE-OUTFITTER USE AREA PERMIT. (a) A sole
18 use area permit grants to the permittee the sole privilege to guide-
19 outfit hunts for all big game species that occur within the use area.
20 A joint use area permit grants to the permittee the privilege to
21 guide-outfit hunts in the use area for the big game species specified
22 in the permit; however, all joint use area permits for a use area,
23 when considered together, must grant privileges to guide-outfit hunts
24 for all big game species that occur within the use area. A joint use
25 area permit may also limit the number of big game animals that may be
26 taken under the use area permit.

27 (b) A use area that is not awarded to a guide-outfitter under
28 AS 08.54.640 is open to use by guide-outfitters who are certified to
29 guide-outfit hunts in the game management unit in which the use area

1 is located.

2 (c) A guide-outfitter may not guide-outfit a hunt for a big game
3 species in a use area, unless

4 (1) the guide-outfitter has a use area permit that entitles
5 the guide-outfitter to guide-outfit hunts for that species in that use
6 area; or

7 (2) the use area is open under (b) of this section and the
8 guide-outfitter is certified by the board to guide-outfit hunts in the
9 game management unit in which the use area is located.

10 Sec. 08.54.630. APPLICATION FOR A GUIDE-OUTFITTER USE AREA
11 PERMIT. (a) A guide-outfitter who is licensed under AS 08.54.350 and
12 is certified by the board to guide-outfit hunts in the game management
13 unit in which the use area is located may apply for a guide-outfitter
14 use area permit.

15 (b) A guide-outfitter shall submit a separate application for
16 each use area permit sought. The application shall be made on a form
17 provided by the board and shall be accompanied by the application fee
18 and a proposed operations plan for the conduct of guide-outfitted
19 hunts under the use area permit, including locations of base camps,
20 the number of clients, and the big game species to be hunted.

21 Sec. 08.54.640. PROCEDURES FOR GRANTING GUIDE-OUTFITTER USE AREA
22 PERMITS. (a) The board shall adopt procedures for evaluating the
23 qualifications of applicants for guide-outfitter use area permits.
24 The procedures must appropriately balance the criteria set out in (b)
25 of this section to ensure that new guide-outfitter licensees under
26 this chapter are not unfairly disadvantaged or denied an opportunity
27 to obtain a use area permit in those game management units for which
28 the licensee is certified by the board.

29 (b) The board shall evaluate each application and determine

1 whether the applicant is qualified for a guide-outfitter use area per-
2 mit according to the following criteria:

3 (1) the applicant's experience in or knowledge of the use
4 area;

5 (2) the degree to which the applicant's proposed operations
6 plan describes the applicant's ability and means to provide the type
7 and quality of guide-outfitting services proposed by the applicant;

8 (3) whether the applicant has proposed a guide-outfitting
9 operation in the use area that is economically feasible given the
10 economic resources of the applicant;

11 (4) the applicant's history of safety in guide-outfitting
12 hunts or demonstrated ability to guide-outfit hunts safely;

13 (5) the applicant's history of compliance with state and
14 federal fish and game and guide-outfitting statutes and regulations;

15 (6) the applicant's history of compliance with AS 08.54.-
16 520(a) in regard to prior authorization to enter or remain on state,
17 federal, or private land;

18 (7) whether the applicant has obtained those prior autho-
19 rizations to guide-outfit hunts on state, federal, or private land in
20 the use area from the significant or major landowners in the use area
21 or has demonstrated the ability to acquire those authorizations;

22 (8) whether the applicant holds all permits and licenses
23 necessary to guide-outfit hunts in the use area or has demonstrated
24 the ability to obtain the necessary permits and licenses;

25 (9) whether the applicant holds any other use area permits;
26 an applicant who does not hold a use area permit shall receive addi-
27 tional preference in evaluating the applicant's application;

28 (10) whether the applicant is seeking the first renewal of a
29 use area permit for a specific use area and whether the applicant

1 complied with the terms of the use area permit; an applicant for a
2 first renewal of a use area permit for a specific use area who has
3 complied with the terms of the use area permit shall receive addi-
4 tional preference in evaluating the applicant's application.

5 (c) If the board determines that more applicants are qualified
6 to receive use area permits for a use area than there are use area
7 permits available, then the board shall reevaluate the applications of
8 the qualified applicants and, with or without requesting additional
9 documentation, shall select the best qualified applicants to receive
10 the available permits. The board may request the qualified applicants
11 to appear before the board to discuss the applicant's application in
12 regard to the criteria in (b) of this section.

13 (d) The board shall grant use area permits only to qualified
14 applicants.

15 (e) If a successful applicant does not provide, at the time of
16 granting the use area permit, proof of the permits and licenses neces-
17 sary to conduct guide-outfitted hunts in the use area or the authori-
18 zations to guide-outfit hunts on state, federal, or private land in
19 the use area from the significant or major landowners in the use area,
20 the board shall issue a conditional use area permit that is valid for
21 120 days. A conditional use area permit does not entitle the permit-
22 tee to guide-outfit hunts within the use area. If the successful
23 applicant provides proof satisfactory to the board within 120 days
24 after issuance of the conditional use area permit that the applicant
25 received the necessary permits and licenses and land use authoriza-
26 tions, the applicant shall receive a use area permit. If the success-
27 ful applicant does not provide the required proof within 120 days
28 after issuance of the conditional use area permit, the conditional use
29 area permit is void. If a conditional use area permit is voided under

1 this subsection, the board shall offer the use area permit to the next
2 best qualified applicant for the use area.

3 (f) The successful applicant for a guide-outfitter use area
4 permit shall pay the permit issuance fee established under AS 08.-
5 54.680(b).

6 Sec. 08.54.650. TERM AND SUSPENSION OR REVOCATION OF GUIDE-
7 OUTFITTER USE AREA PERMIT; OPERATIONS PLAN. (a) The board shall
8 grant guide-outfitter use area permits for a term not to exceed 10
9 years, unless the board determines, after consultation with the De-
10 partment of Fish and Game, that a longer term will further promote the
11 wildlife conservation and management objectives of the use areas. The
12 term of a use area permit may not in any instance exceed 15 years.

13 (b) Use area permits may be suspended or revoked by the board
14 after a hearing for

- 15 (1) violation of the conditions of the use area permit;
- 16 (2) failure to exercise the privileges conferred by the use
17 area permit for one year;
- 18 (3) failure to pay the wildlife conservation fee when due;
- 19 (4) a significant unauthorized deviation, as defined by the
20 board, from an operations plan;
- 21 (5) fraud in applying for a permit or transfer of a permit;
- 22 (6) conviction of an unlawful act under AS 08.54.520 or
23 imposition of a disciplinary sanction under AS 08.01.075 or AS 08.-
24 54.500; or
- 25 (7) other good cause, as defined by the board.

26 (c) A use area permit may be revoked or the terms of the use
27 area permit or an operations plan may be altered by the board for
28 wildlife conservation and management considerations.

29 (d) A use area permittee shall submit an amended operations plan

1 if the permittee intends to vary the permittee's guide-outfitting
2 operation from that stated in the plan. An amended operations plan is
3 not effective until approved by the board. A permittee may not con-
4 duct a guide-outfitting operation outside of the terms of an approved
5 operations plan.

6 Sec. 08.54.660. TRANSFER OF GUIDE-OUTFITTER USE AREA PERMITS.

7 (a) A use area permit may be transferred if the transfer is

8 (1) consistent with the purposes of AS 08.54.610 - 08.-
9 54.680;

10 (2) for good cause, as defined by the board; and

11 (3) approved by the board.

12 (b) A transferred use area permit is valid only for the period
13 for which the permit was originally issued.

14 (c) If proceedings in which a guide-outfitter license may be
15 revoked or suspended under this chapter are pending against a guide-
16 outfitter, the use area permits held by the guide-outfitter may not be
17 transferred unless allowed by the board. During the period for which
18 a guide-outfitter license is suspended under this chapter, the guide-
19 outfitter's use area permits may not be transferred.

20 (d) If proceedings in which a guide-outfitter use area permit
21 may be revoked or suspended under AS 08.54.650 are pending against a
22 guide-outfitter, the use area permits that are subject to the proceed-
23 ings may not be transferred. During the period for which a use area
24 permit is suspended under AS 08.54.650, the permit may not be trans-
25 ferred.

26 Sec. 08.54.670. INFORMATION ON GUIDE-OUTFITTER USE AREAS. (a)

27 The board shall maintain and publish on a regular basis a comprehen-
28 sive list of all guide-outfitter use areas that are open to use by
29 qualified guide-outfitters.

1 (b) The board, in conjunction with the Department of Fish and
2 Game, shall maintain a centralized information center where informa-
3 tion on guide-outfitter use areas and guide-outfitters can be readily
4 obtained by guide-outfitters, government agencies, and the public.

5 Sec. 08.54.680. FEES FOR APPLICATION FOR AND ISSUANCE OF GUIDE-
6 OUTFITTER USE AREA PERMITS. (a) The department shall set the fee for
7 an application for a guide-outfitter use area permit under AS 08.-
8 01.065.

9 (b) Notwithstanding AS 08.01.065, the department shall charge a
10 fee for the issuance of guide-outfitter use area permits that reflects
11 the value of the privileges conferred by the use area permit and that
12 ensures a fair return to the people of the state for the commercial
13 use of the big game species in the use area.

14 (c) The commissioner of administration shall separately account
15 for application fees and permit issuance fees deposited in the general
16 fund by the department. The annual estimated balance in the account
17 may be used by the legislature to make appropriations to the Depart-
18 ment of Fish and Game and the Department of Public Safety to carry out
19 their respective responsibilities for management of game resources and
20 enforcement of game laws.

21 * Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

22 (11) certify guide-outfitters to conduct guide-outfitting
23 activities within a game management unit;

24 (12) establish by regulation a system of guide-outfitter use
25 areas for allocating access to big game hunting opportunities among
26 guide-outfitters.

27 * Sec. 4. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)
28 The Department of Fish and Game shall propose guide-outfitter use areas for
29 use by the Big Game Commercial Services Board in establishing a resource-