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HRES

SUNSET,

GUIDE

BOARD

Alaska House of Representatives



COMMITTEE ON NATURAL RESOURCES

POUCH V • JUNEAU, ALASKA 99811

February 14, 1980

The Speaker has referred to House Resources for consideration for confirmations to the Guide Licensing and Control Board:

*Mr. Norman Sutliff, Kodiak
Term expiring 06/15/85

*Mr. Charles Keim, College
Term expiring 06/15/82

Mr. William Stroecker, Fairbanks
Term expiring 06/15/82

*Reappointed

CO. CHAIRMEN

REP. ALVIN OSTERBACK (465 3715) • REP. BILL MILES (408 3770)

VICE CHAIRMAN

REP. FRED ZHAROFF

REP. PAT CARNEY • REP. C. V. CHAT. CHATTERTON • REP. SAM COTTEN
REP. DICK ELIASON • REP. JACK FULLER • REP. RICK HALFORD

Article 1. Guide Licensing and Control Board.

Section

- 10. Creation and membership of board
- 20. Appointment and term of office
- 30. Chairman of board
- 40. Powers and duties

Section

- 45. Special guiding permit
- 50. Board regulations
- 60. Board hearing
- 70. Compensation and expenses

Sec. 08.54.010. Creation and membership of board. There is created the Guide Licensing and Control Board consisting of seven members. No more than three members of the board shall have a guide license. The other members shall have a general knowledge of the game resources of the state. A minimum of 10 years residence in the state is required for all members of the board. (§ 1 ch 17 SLA 1973)

Sec. 08.54.020. Appointment and term of office. The members of the board shall be appointed by the governor and confirmed by the legislature for staggered terms of three years or until their successors are appointed. Initial terms are as follows: three members for one year, two members for two years, and two members for three years. A member may be removed at the pleasure of the governor. (§ 1 ch 17 SLA 1973)

Sec. 08.54.030. Chairman of board. The board shall elect one of its members as chairman. (§ 1 ch 17 SLA 1973)

Sec. 08.54.040. Powers and duties. (a) Except as provided in § 45 of this chapter, the board shall

- (1) prepare, grade and administer examinations;
- (2) determine and pass on qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;
- (3) establish guide performance standards and regulate activity;
- (4) compile, maintain and publish a guide register of guides who have not been convicted of a violation of a federal or state sport fish, game, or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while his license is revoked or suspended;
- (5) compile, maintain and publish a record of registered or master guides who have completed a contract hunt in any of three years immediately preceding the publishing of the record;
- (6) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;
- (7) after a hearing, revoke, suspend or deny renewal of a license in accordance with § 200 of this chapter;
- (8) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable and reasonable procedure for limiting the number of guides to that quota; preference shall be given to qualified

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

(b) If a person is unable to competently understand the written portion of an examination given under (a)(1) of this section, he shall be given the complete examination orally in a language which he understands. (§ 1 ch 17 SLA 1973; am § 1 ch 133 SLA 1976)

Effect of amendment. — The 1976 amendment added paragraph (8) of subsection (a).

Sec. 08.54.045. Special guiding permit. This chapter does not limit the power of the board or its authorized designee, to issue a special guiding permit, in place of a guide license, to a person to guide in a specifically designated area, if the person is considered sufficiently experienced to perform the services of a guide and is limited solely by language barriers from securing a regular guide license. (§ 1 ch 17 SLA 1973)

Sec. 08.54.050. Board regulations. The board shall adopt procedural and substantive regulations, under the Administrative Procedure Act. (AS 44.62), required by this chapter or reasonably necessary for its administration. (§ 1 ch 17 SLA 1973)

Editor's note. — Section 6, ch. 17, SLA 1973, provides: "A regulation promulgated by the Guide Licensing and Control Board in effect before March 14, 1973 remains in effect after that date until revoked or modified by the Guide Licensing and Control Board created by this Act."

Sec. 08.54.060. Board hearing. The Administrative Procedure Act (AS 44.62) applies to proceedings and hearings under this chapter. (§ 1 ch 17 SLA 1973)

Sec. 08.54.070. Compensation and expenses. Members of the board receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards. (§ 1 ch 17 SLA 1973)

Article 2. Licensing.

Section	Section
100. Qualifications for a master guide license	144. Restriction to transportation
110. Qualifications for registered guide license	146. Transporter report
120. Qualifications for a class-A assistant guide license	150. Responsibility of registered or master guide for violations
130. Privileges and limitations of class-A assistant guides	170. License fees
140. Qualifications for assistant guide license	180. Examination fee
142. Qualification for transporter license	185. Additional fees
	190. Expiration and renewal
	200. Grounds for disciplining a licensee
	210. Unlawful acts
	220. Injunction against unlawful action

Sec. 08.03.010. Termination, continuation and reestablishment of regulatory boards. (a) Boards listed in this subsection have a termination date of June 30, 1979:

- (1) Board of Chiropractic Examiners (AS 08.20.010);
- (2) Board of Dental Examiners (AS 08.36.010);
- (3) State Medical Board (AS 08.64.010);
- (4) Board of Nursing (AS 08.68.010);
- (5) Board of Dispensing Opticians (AS 08.71.010);
- (6) Board of Examiners in Optometry (AS 08.72.010);
- (7) Board of Pharmacy (AS 08.80.010);
- (8) Board of Veterinary Examiners (AS 08.98.010);
- (9) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (10) Board of Nursing Home Administrators (AS 08.70.010);
- (11) Physical Therapy Board (AS 08.84.010).

(b) Boards listed in this subsection have a termination date of June 30, 1980:

- (1) Board of Public Accountability (AS 08.04.010);
- (2) Board of Barber Examiners (AS 08.12.010);
- (3) Collection Agency Board (AS 08.24.011);
- (4) Board of Hairdressing and Beauty Culture Examiners (AS 08.28.010);
- (5) Board of Electrical Examiners (AS 08.40.010);
- (6) State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011);
- (7) Guide Licensing and Control Board (AS 08.54.010);
- (8) Board of Marine Pilots (AS 08.62.010);
- (9) Real Estate Commission (AS 08.88.011);
- (10) Board of Welding Examiners (AS 08.99.010);
- (11) Board of Governors of the Alaska Bar Association (AS 08.08.040).

(c) Upon termination, each board listed in (a) and (b) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(d) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(e) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 2 ch 149 SLA 1977)

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Sec. 44.66.050. Legislative oversight. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or § 10 of this chapter, or of an agency program under §§ 20 and 30 of this chapter, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board,

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HOUSE JOURNAL

March 11, 1980

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Resources Committee has had under consideration for "Sunset" review the Guide Licensing and Control Board pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with statutory requirements a public hearing was held on the review of this board at which testimony was taken from members of the board and of the profession as well as from the administrative agencies dealing with the operation and enforcement of Guide Board functions.

Directed, in part, by the report prepared by the Division of Legislative Audit the Committee took into consideration the factors required to be evaluated under AS 44.66.050(c).

Your Resources Committee thereby makes the following findings:

1. That the licensing of Guides is needed to protect the safety and welfare of the public and to protect the Resources of the State of Alaska.
2. That the licensing function as it applies to guides should be transferred from Occupational Licensing to Public Safety.
3. That the "Transporter Laws" should be repealed as unworkable.
4. That certain other statutute changes primarily those listed in the audit report be included in the "Sunset" legislation to be introduced by this committee.
5. That the Guide Licensing and Control Board be continued for one year during which time...
 - a. the Department of Law is requested to perform a complete legal audit of the minutes and records of the Board to determine whether their procedures and actions have been in full compliance with the Alaska Constitution and all applicable statutes.
 - b. ~~a legislative committee~~^a legislatively directed study can evaluate and recommend specific statutory changes under which rural residents can enter the guiding profession and receive the maximum benefits from local guiding activities.

~~A bill will be introduced by the Resources Committee~~

Respectfully submitted,

~~Facilitated by the findings and recommendations in the letter~~

Rep. Alvin Osterback
Co-Chairman
House Resources Committee

Members ↘ ↙

Alaska State Legislature

REPRESENTATIVE -
Rick Halford
District 8



P.O. BOX 66
CHUGIAK, ALASKA 99567
Phone 907-682-2470

While in Juneau
POUCH V
JUNEAU, ALASKA 99811

House of Representatives

To: Office of the Attorney General
From: Representative Rick Halford
Date: March 10, 1980
Request: Legal Review of the Powers, Duties and Performance of the
State Guide Licensing and Control Board

The House Resources Committee is considering the merits of continuation or termination of the Guide Licensing and Control Board under the Sunset review process. Because the Guide Board's mandate and procedures have been the subject of numerous legal questions, it seems appropriate to request that your department review certain issues which are beyond the expertise of Legislative audit.

A substantial portion of the Guide Board's time, since its creation, has been devoted to the development and implementation of a limited entry system under the terminology of "exclusive guide areas". Specific questions include:

- 1) Does the exclusive guide area system comply with the provisions of Article I, Section I of the State Constitution and the further provisions of Article VIII, Section 17 in concept (if carried out properly).
- 2) If the system is conceptually within Constitutional bounds, does the method of implementation used by the Guide Licensing and Control Board comply with all applicable Constitutional and Statutory provisions.

These two questions are basic to the entire area system which has been in place for several years:

- 1) If guide A is cited for guiding in an area assigned to guide B, and guide A is willing to go through the entire legal appeal process, will he win if he is in every other way legal to guide in the area in question?
- 2) Do the broad protections applied to a guide's license in the Herscher case logically extend to the exclusion from using that license under the exclusive areas?

It would also be useful to have copies of all past correspondence between your office and the Department of Public Safety or the Guide Board on this subject.

Agency Services.

owers formerly held by the of Highways relating to construction, maintenance and state transportation facilities te highways, roads, bridges, and signals, the supervision nce of state automotive and equipment, the control of ertising visible from state l all other duties and powers artment of Highways, and ncluding powers and duties ld by the Department of der AS 19, AS 28.01, AS 28.05,

contracts.

and the Department of r into agreements under of way, construction, n of access roads serving

o the Department of Public bsection (c). rest of the section was not the amendment, it is not set out.

ng with or employing he Department of Health bor, the Department of ment of Military Affairs,

ent of Health and Social ch require expertise in tion; or

(2) employ a person whose duties require expertise in determining or reducing the hazards of radiation.

(b) As used in this section, "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority; "state agency" or "agency of the state" does not include the University of Alaska, a municipality, or an agency of a municipality.

(c) As used in this section, "radiation" does not mean radiation emitted from a Federal Communications Commission licensed facility emitting radiation of a wave length longer than one centimeter and an average power output not exceeding two kilowatts. (§ 2 ch 172 SLA 1978)

Cross reference. — As to radiation protection, see AS 18.60.475.

Chapter 66. Review of the Activities of Agencies. Boards and Commissions.

Section	Section
10. Termination of state boards and commissions	30. Program identification
20. Agency programs	50. Legislative oversight
	60. Existing claims

Cross reference. — As to the termination, continuation and reestablishment of regulatory boards, see AS 08.03.010.

Editor's note. — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have contributed to a public disenchantment with the operation of state government,

and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

Sec. 44.66.010. Termination of state boards and commissions. (a) Boards and commissions listed in this subsection expire on the date set out after each:

- (1) Alcoholic Beverage Control Board (AS 04.05.010) — June 30, 1979;
- (2) Alaska Transportation Commission (AS 42.07.011) — June 30, 1978;
- (3) State Board of Parole (AS 33.15.010) — June 30, 1980;
- (4) Alaska Public Utilities Commission (AS 42.05.010) — June 30, 1980;

- (5) Alaska Pipeline Commission (AS 42.06.010) — June 30, 1981;
 (6) Alaska Council on Science and Technology (AS 44.19.181) — June 30, 1983;
 (7) Alaska Renewable Resources Corporation (AS 37.12.010) — June 30, 1982.

(b) Upon termination, a commission listed in (a) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs.

(c) A commission scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 3 ch 149 SLA 1977; am § 3 ch 101 SLA 1978; am § 10 ch 1979 SLA 1978)

Effect of amendments. — The first 1978 amendment added paragraph (6) of subsection (a). The second 1978 amendment added paragraph (7) of subsection (a).

Sec. 44.66.020. Agency programs. (a) Agency programs and activities listed in this subsection which are specifically designated as provided in § 30 of this chapter are subject to termination during the regular legislative session convening in the month and year set out after each:

- (1) programs in the budget categories of general government, public protection, and administration of justice — January, 1980;
- (2) programs in the budget categories of education and the University of Alaska — January, 1981;
- (3) programs in the budget categories of health and social services — January, 1982;
- (4) programs in the budget categories of natural resources management, development and transportation — January, 1983.

(b) An agency program or activity designated in (a) of this section shall be subject to termination during the regular legislative session convening four years after the preceding review and may be subject to termination at any time upon the recommendation of the Legislative Budget and Audit Committee and the concurrence of the legislature as if under § 30 of this chapter. (§ 3 ch 149 SLA 1977)

Sec. 44.66.030. Program identification. During the legislative session preceding each of the years set out in § 20 of this chapter, the Legislative Budget and Audit Committee shall designate, not later than March 1 of those years, the programs and activities within each program category which shall be subject to termination in the next fiscal year. The recommendations of the Legislative Budget and Audit Committee shall be submitted to the respective houses of the legislature in the form of a bill which, if enacted into law, would terminate those designated programs and activities on or before July 1 of the following year. (§ 3 ch 149 SLA 1977)

Sec. 44.66.050. Legislative dissolution, continuation or reestablishment. A commission, board, committee, or agency created under AS 08.03.010 or § 10 c under §§ 20 and 30 of this chapter, which shall be the start as provided in the Uniform Rules, shall have more hearings to receive testimony from the board, commission, or agency or committee involved. The committee shall also consider the performance of the commission, or agency program, or division as prescribed in AS 2 any other report of the activity including but not limited to an Legislative Affairs Agency, and manner of conduct of activity program prepared by the office.

(b) During a public hearing have the burden of demonstrating the existence or the continuation of any change in the manner of increase efficiency of administration of public interest.

(c) A determination as to whether a program has demonstrated a public interest shall take into consideration the following:

- (1) the extent to which the program is operated in the public interest;
- (2) the extent to which the program has been improved, and procedures, and practices which including budgetary, resource, and personnel;
- (3) the extent to which the program is recommended statutory change in the public interest;
- (4) the extent to which the program has encouraged interested persons, regulations and decisions on the program, and availability of services;

(5) the extent to which the program has encouraged public participation in decisions;

2.06.010) — June 30, 1981;
 Technology (AS 44.19.181) — June

poration (AS 37.12.010) — June

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Budget and Audit Committee
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Sec. 44.66.050. Legislative oversight. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or § 10 of this chapter, or of an agency program under §§ 20 and 30 of this chapter, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishment;

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board,

commission, or agency program
(§ 3 ch 149 SLA 1977)

Sec. 44.66.060. Existing ch
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Part 8. Cla

Chapter 77. Cl

Sec. 44.77.010. Presentatio

Legislative history of section. —
State v. ZIA, Inc., Sup. Ct. Op. No.
(File No. 2518), 556 P.2d 1237 (1976).

This section is only applicable after
claimant has pursued an administr
remedy. State v. ZIA, Inc., Sup. Ct. Op.
1337 (File No. 2518), 556 P.2d 1257 (1976).

The word "given" serves only to m
the word "services." State v. ZIA,
Sup. Ct. Op. No. 1337 (File No. 2518)
P.2d 1257 (1976).

It is apparent that if "given" mo
"money," "labor," "materials"
"supplies," each term would have a d
modifier and the statute would be su
to construction not contemplated by
legislature. State v. ZIA, Inc., Sup. Ct.
No. 1337 (File No. 2518), 556 P.2d
(1976).

For the purposes of the filing
contract claims, "promptly" is
defined in calendar terms. State v.
Inc., Sup. Ct. Op. No. 1337 (File No. 1
556 P.2d 1257 (1976).

If the legislature had intended to d
"promptly" for other claims (incl
contract claims) and had a period of ti

Chapter 80.

Article 3. Sp

Section

70. Special use of highways and
areas

Sec. 44.80.070. Special use
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highway or vehicular way or

MARCUS F. JENSEN
P. O. BOX 2220
JUNEAU, ALASKA 99803

April 22, 1980

Representative Alvin Osterback
Alaska State Legislature
Resources Committee of the House of Representatives
Juneau, Alaska

Dear Representative Osterback:

I have just received copy of a letter sent to you by the Alaska Professional Hunters Association. I would be surprised if you would give credence to an unsigned letter. Unsigned letters are often from "mad letter writers".

The contents of the letter surprises me, as it would appear to have been written by someone who is not registered to guide in Unit 4, which is Southeastern Alaska.

Notification of the meeting in Fairbanks was handled the same way every meeting is handled when petitions are to be presented. All guides involved were sent a letter personally. Some of these guides answered by letter, and some testified in person.

I have guided in Unit 4 for over 30 years, and until last year the Southeastern guides honored their word in respect to not guiding in my particular area. The reason for their sudden change is the fact that the Game Board has a closure on what they call the "inside" and left the fringe on the "outside" open ten days longer. I have been very conservative in the number of contracts I take because of the public hunting pressure in the area as well.

No guide in Southeastern Alaska would object to my area if he would agree to an exclusive area for himself which would automatically reduce his number of contracts from eight or ten to three or four at the most. This is really what the controversy is all about. There has been too much guiding pressure on the "inside". Too many guides still have the attitude that they will shoot the last cub bear for a dollar. I am enclosing copy of a letter from the Game Biologist in Unit 4. He estimated at that time only 25 bear should be taken and since the guides and the public split the total take that would mean only 12 bear for the guides and their assistants. He has probably increased that 25 figure to 40 since the letter was written, which would allow in the neighborhood of 20 bear for the guides. The guides' success ratio for the number of contracts is very low - around 50%. If trophy bear were taken the percentage would be considerably lower than 50% because most of the takable bear have been shot.

To give you a better example of what is happening in Unit 4 I refer you to contracts of a guide named John Erickson. He had 10 hunters contracts in spring of 1979. Of those ten, four got no bear, and four took bear under five feet. I am enclosing some of the sealing certificates to give you an idea of what I mean. When the going rate for a hunt is four to five thousand dollars I think it behooves the guiding profession to give the hunter more chance for a trophy bear.

I do not think the action of the Guide Licensing and Control Board should be criticized for trying to save a small area from being totally raped. The petitions that guides from Unit 4 are putting in now will be handled in an orderly manner by the staff and the Board.

Representative Alvin Osterback

Page 2

As chairman of the Guide Licensing and Control Board, and as an Alaska resident for over 50 years, and as a registered guide for some 35 years, I have been criticized by some guides for my strong stand against guides who want to rape the game resources. A stand like this doesn't necessarily make everyone love you. A situation happened last spring where two guides took over 30 grizzlies in Unit 23. I was very upset over this and wanted to bring the guides before our Board for a hearing. I am now in the process of scheduling a meeting with the Kotzebue Native Corporation on this subject of game resource. I have made every effort to work with the Natives and intend to continue to do so in the future. Some guides criticize me for this.

I would hope that the House Resource Committee appreciate what most of our Board members are trying to do for the State of Alaska, and that is weed out the "bandits" who are raping our resource, and develop exclusive guide areas for the protection of the resource and improved game management.

Respectfully yours,

A handwritten signature in cursive script that reads "Mark Jensen".

Marcus F. Jensen, Master Guide



Alaska

Professional Hunters Association, Inc.

P. O. BOX 4-1832
ANCHORAGE, ALASKA 99509

Phone (907) 243-3977

April 17, 1980

OFFICERS

PHIL DRIVER
President

KIRK GAY
Vice President

VERNON HUMBLE
Secretary/Treasurer

Representative Alvin Osterback
Pouch V
Juneau, Alaska 99811

Dear Representative Osterback:

BOARD OF DIRECTORS

LYNN CASTLE
PHIL DRIVER
STAN FROST
KIRK GAY
HANK HANKARD
VERNON HUMBLE

We have had a situation that came up during the recent Guide Board meeting that was held in Fairbanks, Alaska that may be worthy of some consideration by your committee in evaluating the conduct of the Board under Sunset review. These tapes and the transcript of the meeting should be available to your committee at the Department of Commerce.

EXECUTIVE SECRETARY
PAMELA R WILSON

Mark Jensen, the Chairman of the Guide Board, was awarded the only exclusive guide area in Units 1 thru 4 in Southeastern Alaska. The area awarded was the total outside coast of Chichasof Island. This was done over the objections of all Southeastern guides, who testified in person or by letter, who had joint use of this area. Their right to hunt this area has been taken away and given to one man without the consideration of the other twenty guides.

We would like to point out that APHA has no objection to Mr. Jensen having an exclusive guide area but it was the manner in which this was done. This was, in the eyes of the guiding industry, a flagrant abuse of power by the Chairman to serve his own personal financial interests.

APHA believes that this action by the Board should be revoked and an opportunity given to all guides in Southeastern Alaska to apply to the Board for an exclusive area.

The next Guide Board meeting should be held in Juneau, not in Fairbanks, so that all petitions to be considered would allow maximum participation by the Southeastern guides.

Sincerely,

THE BOARD OF APHA

P.S. IT is interesting to note that the only Board Member, who could see how unfair this action was and voted against it was a full-time guide. We believe at least three full-time guides should be on the Board.

cc: TO ALL GUIDE LICENSING AND CONTROL BOARD MEMBERS

PLEDGED FAIR CHASE

STATE OF ALASKA

DEPARTMENT OF FISH & GAME

JAY S. HAMMOND, Governor

P.O. Box 499
Sitka, AK 99835

April 9, 1979

Mr. Marcus Jensen
P.O. Box 2220
Juneau, AK 99803

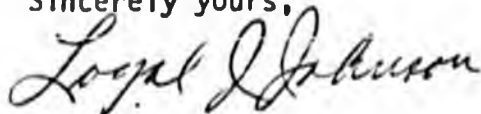
Dear Marc:

The Alaska Board of Game has now met and taken action on the Unit 4 brown bear situation. I am writing you at this earliest possible moment so that you can adjust your schedule to conform to the Board's action.

The Board adopted a substantially shortened season which will go into effect at the start of the new regulatory year, July 1. The season the Board adopted is as follows: September 15-May 20 for Admiralty and the east side of Baranof and Chichagof and September 15-May 31 for the west side of Baranof and Chichagof. The line of division between east and west Baranof and Chichagof is shown on the enclosed map. To eliminate the possibility of an excessive harvest this coming spring season, the Board has directed the Commissioner of the Department of Fish and Game to adopt an Emergency Order, effective immediately, which implements the season outlined above. Therefore, the closing date for this spring season, 1979, will end May 20 for Admiralty and the eastern side of Baranof and Chichagof and May 31 for the western side of Baranof and Chichagof.

The Board has also directed the Department of Fish and Game to closely monitor hunting during the spring 1979 season; and if it appears the kill will exceed 25 bears on Admiralty, east Baranof, and east Chichagof, the Commissioner will close the season in these areas by Field Announcement. The season on west Baranof and west Chichagof will remain open until May 31.

Sincerely yours,



Loyal J. Johnson
Area Game Biologist

Enclosure

Mr. Marcus F. Jensen
Registered And Master Guide
Box 2220
Juneau, Alaska

15 February 1980
Juneau, Alaska

Dear Mark:

Sometimes people are apt to forget that when a person takes on a public chore and serves gratis, he doesn't give up his individual rights. Following the action of the Guide Licensing and Control Board this past week while it was reexamining the status of Unit #4 concerning Brown Bear and Exclusive and Joint Usage Guiding Areas, you no doubt are wondering if you'll ever get what you, like other guides, set out to get--an Exclusive Guiding Area, which is what you have wanted all along. I want it to be a matter of record that you put in for an EGA at the onset. Most of the guides in the Panhandle (the preponderance of whom in no way had "rights" that would measure up to yours) opted for joint usage in Units 1-4. You regretfully went along with the rest, at the Board's insistence. Later, long before this recent reexamination, you again requested your EGA. The Board, still trying to make the collective Joint Usage work, felt you should withdraw the second request. It was not accepted.

This past week as the Board learned that there is a growing pressure on a fairly static resource (Brown Bear) but decided to maintain the status quo, it also learned that not all the guides who agreed at the initial meeting on this subject to respect your area of operations were doing so. The Board, therefore, encouraged you to again petition for your EGA, and the guides present pretty well agreed that they would have no objection to your doing so. There was general recognition that your rights, based on the criteria the Board has shaped over time, are on or are very close to the very foundation stone.

Times and circumstances change, as does makeup of various organizations. Memory falters and fades. I feel that because of all these factors I should put together this brief summary inasmuch as I have attended all meetings on this subject as it touches Units 1-4, and wish you well.

Fraternally,
Charles J. Keim
Charles J. Keim
Member, GL&CB

(For State Use Only)

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME

Hide 48623 TENAKEE 5-19-79
(Seal Numbers) (Place of Sealing) (Date of Sealing)
Skull 48624 CERTIFICATE NUMBER 36105

SPECIES	*SEX	SEX IDENTIFIERS
Brown Grizzly <u>X</u>	Male <u>X</u>	Penis Sheath <u>X</u>
Polar _____	Female _____	Vaginal Orifice _____
	Unknown _____	Teats L _____ M _____ S _____
		Nare _____
SKULL	HIDE	SPECIMEN COLLECTED
Length <u>10 1/2</u> in.	Length <u>3</u> ft <u>8</u> in.	Tooth <u>X</u>
Width <u>5 1/8</u> in.	Width <u>5</u> ft <u>0</u> in.	Skull _____
Total _____ in.	Total _____ ft _____ in.	Repro _____
C.B.L. <u>10 2/8</u> in.	Rubbed _____	Cem. Age _____
	Unrubbed <u>X</u>	

TRANSPORTATION USED

Aircraft _____

Off road Vehicle _____

Boat X

Snowmachine _____

Dog Team _____

Horse _____

Other _____

Days Hunted 6 *Date of Kill 5-16-79

*Location of Kill Unit 4 Sub Unit _____

Mr. Range and Drainage CHICAGO IS. TENAKEE INLET

Specific Location HEAD OF INLET

Name of Hunter JOHN W. RINEHART

P.O. Box 104 HILLSDALE AK 99060
(Address) (City) (State)

License No. 02935 Tag No. 357 Guided Hunt Yes X No _____

Resident _____ Non Resident _____

Guides Name ERICKSON



Signature of Hunter _____ (Sealed by) _____

Remarks _____

Code _____

11-78A

*MUST BE FILLED OUT

For State Use Only

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME

Hide 35096 (Seal Number) JUNEAU (Place of Sealing) 5/14/79 (Date of Sealing)

Skull 35097

CERTIFICATE NUMBER 40658

SPECIES	*SEX	SEX IDENTIFIERS
Brown-Grizzly <u>X</u>	Male _____	Penis Sheath _____
Polar _____	Female _____	Vaginal Orifice _____
	Unknown <u>X</u>	Teats: L _____ M _____ S _____
		None _____
SKULL	HIDE	SPECIMENS COLLECTED
Length <u>13</u> in.	Length <u>4</u> ft <u>11</u> in.	Tooth <u>LOWER LEFT</u>
Width <u>7</u> in.	Width <u>6</u> ft <u>11</u> in.	Skull _____
Total <u>20</u> in.	Total <u>11</u> ft <u>10</u> in.	Repro _____
C.B.L. <u>11 1/4</u> in.	Rubbed <u>NONE</u>	Cem. Age _____
	Unrubbed _____	

TRANSPORTATION USED

Aircraft _____

Off-road Vehicle _____

Boat X

Snowmachine _____

Dog Team _____

Horse _____

Other _____

Days Hunted 10 *Date of Kill 5/10/79

*Location of Kill: Unit 4 Sub Unit _____

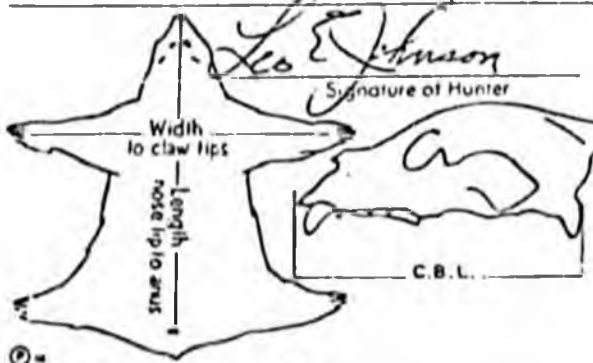
Mt. Range and Drainage HEAD TENHREE

Specific Location INLET ON CHILHAGOF

Name of Hunter LEO E JOHNSON

17508 184TH AVE NE WINDSVILLE WASH.
(Address) (City) (State)

License No.	Tag No.	Guided Hunt*
Resident _____	<u>79AAA</u>	Yes <u>X</u> No _____
Non Resident <u>029416</u>	<u>347</u>	Guides Name <u>J. ERIKSON</u>



M. FOX FWP
Sealed by

Remarks HUNTER SAYS IT WAS DEFINITELY MALE

Code _____

*MUST BE FILLED OUT

(For State Use Only)

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME

Hide 48621 TEWAKEE 5-19-79
(Seal Numbers) (Place of Sealing) (Date of Sealing)

Skull 48622 CERTIFICATE NUMBER 36104

SPECIES	*SEX	SEX IDENTIFIERS
Brown-Grizzly <u>X</u>	Male <u>X</u>	Penis Sheath <u>X</u>
Polar _____	Female _____	Vaginal Orifice _____
	Unknown _____	Tears: L _____ M _____ S _____
		None _____
SKULL	HIDE	SPECIMENS COLLECTED
Length <u>12 1/4</u> in.	Length <u>5</u> ft <u>1</u> in.	Tooth <u>X</u>
Width <u>7</u> in.	Width <u>6</u> ft <u>3</u> in.	Skull _____
Total _____ in.	Total _____ ft _____ in.	Repro. _____
C.B.L. <u>11 1/8</u> in.	Rubbed _____	Cem. Age _____
	Unrubbed <u>X</u>	

TRANSPORTATION USED	
Aircraft _____	Days Hunted <u>5</u> Date of Kill <u>5-17-79</u>
Off-road Vehicle _____	*Location of Kill: Un* <u>4</u> Sub Unit _____
Boat <u>X</u>	Mt. Range and Drainage <u>CHIGNESS</u>
Snowmachine _____	Specific Location <u>TEWAKEE INLET</u>
Dog Team _____	<u>HEAD OF INLET.</u>
Horse _____	
Other _____	

Name of Hunter HARRY W. WHYEL
Box 805 PINEDALE WY 82941
(Address) (City) (State)

License No. _____ Tag No. _____ Guided Hunt
Resident _____ Yes X No _____
Non Resident 068170 134 Guides Name FRICKSON

Harry W. Whyel (Signature of Hunter) Richard Graham (Sealed by)

Remarks _____
Code _____

© M 11-78A

*MUST BE FILLED OUT

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH AND WILDLIFE PROTECTION

JAY S. HAMMOND, GOVERNOR

WILLIAM NIX
COMMISSIONER

POUCH N - JUNEAU 99811

P.O. Box 6188 Annex, Anchorage, Alaska 99502

April 25, 1980

Mr. Sam Harbo
Chairman of Game Board
PO Box 80522
College, Alaska 99735

Dear Sam:

I understand that your Game Board is meeting in Anchorage starting December 2, 1980. With that in mind, I am proposing to schedule our Guide Licensing and Control Board meeting for November 29 so that we wouldn't completely overlap your meeting. Would it be possible for our two boards to spend a half a day together discussing topics that should probably be identified ahead of time where we have a mutual interest. I think it might be very helpful in the long run to have both boards understand their particular role in this game resource management. If you would approve of such a meeting, I would suggest you contact our staff at the above address, Atten: Inv. William Bellinger, and make any suggestions you might think would be helpful.

Thank you.

Very truly yours,

Marcus Jensen / Jean Sahl
Marcus Jensen, Chairman
Guide Licensing and Control Board

MJ/jl

cc: Mr. Ron Summerville
Mr. Phil Driver
Sen. Frank Ferguson
Rep. Jack Fuller
Rep. Al Osterback
Sen. Brad Bradley
Mr. Ed Shavings
Mr. Clark Engle
Mr. Charles Keim
Mr. William Stroecker
Mr. Norman Sutliff
Mr. Glen Glenzer
Mr. Don Harris

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH AND WILDLIFE PROTECTION

POUCH # - JUNEAU 99811

J. S. HAMMOND, GOVERNOR

WILLIAM NIX
COMMISSIONER

P.O. Box 6188 Annex, Anchorage, Alaska 99502

April 25, 1980

Mr. Rodney Lincoln
Chairman
Kotzebue Area Fish and Game Advisory Committee
Box 686
Kotzebue, Alaska 99752

Dear Mr. Lincoln:

Thank you for your letter of February 8, 1980. I certainly appreciate your desire to meet with our board and discuss game resources. I think communication is very important as an improvement in game management. It is our understanding that the Game Board meeting will start December 2 in Anchorage. If there is no objection from our board members, I would like to start the Guide Board meeting agenda on November 29 so that we could handle some of our workload and still be able to meet with the Game Board members. On that basis, I would set a tentative agenda for November 29, in the afternoon starting at 2:00 pm. This schedule would be to hear people from your organization and some of the qualified people such as professional guides and the public, plus biologists that are acquainted with the area. I think an open meeting such as you have suggested is useful for all parties concerned. I think we would be establishing a little bit of history to sit down together and discuss all types of resource problems. It might be well to include in our agenda some comments on marine mammals, even though federal legislation is needed to commercialize this resource. I would hope that some time in the near future you can prepare a tentative agenda with a list of speakers and topics and the board will do the same from the board members and the guiding profession. If your correspondence could be addressed to the Department of Public Safety, address above, Attention: Inv. William Bellinger, the staff will keep you up to date as progress is made on the agenda.

Very truly yours,


Marcus Jensen, Chairman
Guide Licensing and Control Board

MJ/jl

cc: Carl Gravogel, Biologist
Rep. Jack Fuller
Sen. Frank Ferguson

cc: Mr. Sam Harbo, Chairman, Game Board
Mr. Ron Sommerville, Director of Game
Rep. Al Osterback ✓
Mr. David Johnson, Kotzebue Fish & Game Advisory Comm.
Mr. Phil Driver, President, APHA
Mr. Ed Shavings, Mayor, Nunivak
Sen. Brad Bradley
Department of Commerce
Mr. Clark Engle
Mr. Charles Keim
Mr. William Stroecker
Mr. Norman Sutliff
Mr. Glen Glenzer
Mr. Don Harris

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING / POUCH D - BUREAU 83011

April 28, 1980

TO WHOM IT MAY CONCERN:

Attached hereto you will find a letter from Karl Lane, addressed to the Guide Licensing & Control Board to be used at our February meeting in Juneau, on Unit 4. I regret to say that this letter was misplaced and was not read at that meeting.

I have known Karl Lane for many years, I have worked on his boat and I have a great deal of respect for the man himself, and his operation as a guide. It is unfortunate that open friction developed on my request for a small area.

Karl's letter shows a great deal of understanding and foresight in the changes that are about to occur in this area. The constant change creates problems for the guiding industry. Conditions will not improve - they will gradually deteriorate. The exclusive guide area has been very effective in the Interior of Alaska, where most all guides are satisfied that it is the best approach. I would hope that the Board and the guides will develop some of the thoughts in Karl's letter and bring them to a conclusion.

Sincerely yours,



Marcus F. Jensen, Chairman
Guide Licensing & Control Board

PS. A REMINDER! September 1 is the deadline for filing applications for areas! MJ.

Karl E. Lane

REGISTERED MASTER GUIDE & OUTFITTER

February 5, 1980

P.O. Box 295
Juneau, Alaska 99802
907-586-3822

Guide Licensing and Control Board
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811

Gentlemen:

Although I will not be present to give oral testimony at the Feb. 13th thru 16th meeting of the Guide Board, I wish to assure you that I am still deeply concerned about the problems and future of brown bear guiding in Southeast Alaska and offer the following written testimony for consideration.

Somehow there must be found a way to reduce the guiding pressure by cutting down the number of active guide and also closing the loopholes that permit guides licensed for the area to sign contracts for guides not licensed for the area. This is being done by a few guides at the present time and it could allow an unlimited number to operate in Unit 4 and defeats any conservation measure you pass.

I would be in favor of exclusive areas if there is a proviso allowing Joint-Use if the individual guides so wish. The reason being that there is no fair way of dividing a country that is already split by different opening and closing dates for conservation reasons. There is also the problem of constant changing development in the logging industry. For example, the northern, eastern and southern coastlines of Chichagof Island will have intensive road building in '81 and full scale logging in '82. This will eliminate most of Chichagof. The northeast portion of Baranof will have the same development.

I would not be in favor of an exclusive area being transferred for any monetary value. If exclusive areas are issued to guides, they should be passed on to next qualified guide when the guide holding the area is not active for more than one season. The price of limited entry fishing permits are unfair.

If you are successful in limiting the guides to around ten or so, I have even been thinking of the possibility of cutting this number in half by guiding alternate years. For example, if you still had eight or ten guides which is still too many in my estimation, four or five guides with their clients would easily take one half of the quota of bears that the Game has set and the other half would surely be taken by the increase of resident hunting effort. A guided hunting trip would again have some quality and the bears would have a better chance of recovering.

Sincerely,
Karl E. Lane
Karl Lane

Mr. Marcus F. Jensen
Registered And Master Guide
Box 2220
Juneau, Alaska

15 February 1980
Juneau, Alaska

Dear Mark:

Sometimes people are apt to forget that when a person takes on a public chore and serves gratis, he doesn't give up his individual rights. Following the action of the Guide Licensing and Control Board this past week while it was reexamining the status of Unit #4 concerning Brown Bear and Exclusive and Joint Usage Guiding Areas, you no doubt are wondering if you'll ever get what you, like other guides, set out to get--an Exclusive Guiding Area, which is what you have wanted all along. I want it to be a matter of record that you put in for an EGA at the onset. Most of the guides in the Panhandle (the preponderance of whom in no way had "rights" that would measure up to yours) opted for joint usage in Units 1-4. You regretfully went along with the rest, at the Board's insistence. Later, long before this recent reexamination, you again requested your EGA. The Board, still trying to make the collective Joint Usage work, felt you should withdraw the second request. It was not accepted.

This past week as the Board learned that there is a growing pressure on a fairly static resource (Brown Bear) but decided to maintain the status quo, it also learned that not all the guides who agreed at the initial meeting on this subject to respect your area of operations were doing so. The Board, therefore, encouraged you to again petition for your EGA, and the guides present pretty well agreed that they would have no objection to your doing so. There was general recognition that your rights, based on the criteria the Board has shaped over time, are on or are very close to the very foundation stone.

Times and circumstances change, as does makeup of various organizations. Memory falters and fades. I feel that because of all these factors I should put together this brief summary inasmuch as I have attended all meetings on this subject as it touches Units 1-4, and wish you well.

Fraternally,
Charles J. Keim
Charles J. Keim
Member, GL&CB



Alaska

Professional Hunters Association, Inc.

P. O. BOX 4-1932
ANCHORAGE, ALASKA 99509

Phone (907) 243-3977

April 28, 1980

OFFICERS

PHIL DRIVER
President

KIRK GAY
Vice President

VERNON HUMBLE
Secretary/Treasurer

The Honorable Jay S. Hammond
Governor of Alaska
Pouch A
Juneau, Alaska 99811

BOARD OF DIRECTORS

LYNN CASTLE
PHIL DRIVER
STAN FROST
KIRK GAY
HANK HANKARD
VERNON HUMBLE

Dear Governor Hammond:

A certain decision during the last meeting of the Guide Licensing and Control Board has caused a not insignificant consternation among the active licensed game guides of our industry. On a 3-1 vote of the four Board members present, an exclusive guide area was permitted to Mr. Marcus Jensen, Chairman of this board.

EXECUTIVE SECRETARY

PAMELA R WILSON

This questionable decision comes at a time when this very Board and the policies adopted to administer the professional game guiding industry are being reviewed by this legislature. One of our concerns is that this action could bring about unfavorable reaction from the reviewing committee, which might jeopardize a basically sound Board and the concept of exclusive guide areas developed over the last several years. To negate the compromise, made by some 253 permit holders, who gave rather than gained, in order to allow a maximum number of licensed guides to participate in the limited game resources of Alaska would be disastrous. The Board and the exclusive or joint-use guiding areas has and is working to protect one of Alaska's most significant natural renewable resources, and should be continued.

Equally important, have the rights of other joint permit holders in Game Management Unit Four been safe guarded and considered during deliberation on the Jensen decision?

A closer look and re-evaluation would be in order. Of course, all interested parties should be allowed to participate so the facts can be aired and evaluated.

Sincerely,

ALASKA PROFESSIONAL HUNTERS ASSOCIATION, INC.

Phil Driver
President

PD/sgn

PLEDGED FAIR CHASE



Alaska

Professional Hunters Association, Inc.

P. O. BOX 4-1932
ANCHORAGE, ALASKA 99509

Phone (907) 243-3977

April 28, 1980

OFFICERS

PHIL DRIVER
President

KIRK GAY
Vice President

VERNON HUMBLE
Secretary/Treasurer

The Honorable Jay S. Hammond
Governor of Alaska
Pouch A
Juneau, Alaska 99811

Dear Governor Hammond:

BOARD OF DIRECTORS

LYNN CASTLE
PHIL DRIVER
STAN FROST
KIRK GAY
HANK HANKARD
VERNON HUMBLE

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Sincerely,

ALASKA PROFESSIONAL HUNTERS ASSOCIATION, INC.

Phil Driver
President

PD/sgn



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 11, 1980

Mr. Mark Jensen
Chairman
Guide Licensing and
Control Board
P.O. Box 2220
Juneau, Alaska 99803

Dear Mark:

This is in response to your request that I consider making changes in the membership of the Guide Licensing and Control Board. I appreciate your concerns in this matter and am sympathetic to the problems you have recently had to shoulder.

Even so, given the extreme sensitivity of the situation currently facing the Board and its members, I feel it would be inappropriate to force any changes in the Board composition until the larger issue before the State Senate has been resolved.

Your task, though a difficult one, is one you have handled with your characteristic tact and I am confident of your abilities to weather the current storms. If I can be of any assistance to you, please do not hesitate to ask.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "JSH".

Jay S. Hammond
Governor

12 AAC 38.030. LICENSES. (a) A person must purchase his registered guide license within one year of passing the guiding examination or his eligibility lapses.

(b) An application for a guide license shall be made to the Division of Occupational Licensing, Department of Commerce, Pouch D, Juneau, Alaska 99811. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.040. RESTRICTION TO DISTRICTS. (a) A guide may conduct guiding activities only in districts for which he is certified.

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

(1) 18A. - Nunivak Island and all waters within one mile of that island;

(2) repealed 6/6/79;

(3) 27 - Marine Mammals, including all the area between the western boundaries of districts 17, 18, 22, 23 and 26, except that area included in 18A, north of latitude 50 degrees north and east of the Convention Line of 1867 between the United States and the Union of Soviet Socialist Republics and south of latitude 75 degrees north.

(c) A guide licensed under AS 08.54 as of the effective date of this section is restricted to certification to guide in those districts for which he is certified on that date.

(d) After the effective date of this section, all guides applying for new certification are limited to a total of three districts including those districts for which they were certified as of that date.

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

(f) Notwithstanding any provision of this section, a guide may petition the board for a

transfer of certification to another district if he demonstrates to the satisfaction of the board

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

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

(B) significant reclassifications of land within his district;

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

(D) other demonstrations of hardship; and

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

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

12 AAC 38.050. REGISTRATION OF MAIN CAMP. Repealed 5/12/78.

12 AAC 38.051. GUIDING AREA PERMITS.

(a) Guiding area permits will be issued by the board to guides qualifying under secs. 53 and 54 of this chapter for exclusive or joint use of a specified area in order to limit the number of guides allowed to guide for big game animals in that area.

(b) The board will determine the size, boundaries and number of guiding areas assigned to a master or registered guide and is not limited by number or boundaries of guide districts which may be included.

(c) Each guiding area will be assigned a unique identification code. (Eff. 5/12/78, Reg. 66)

Authority: AS 08.54.040(a)(3),(6) and (8)
AS 08.54.050

12 AAC 38.052. GUIDE PROHIBITED FROM USING A GUIDING AREA NOT ASSIGNED TO HIM OR HER. No guide may contract guided big game hunts in an exclusive guiding area not assigned to him or her unless written permission to do so is obtained from the guide

to whom the guiding area is assigned. If more than one guide holds a permit for joint use of the guiding area, written permission must be obtained from each holder of a permit. The written permission must include the effective and expiration dates of use and the identity and number of the big game species to be hunted,

and must be dated and signed by all of the persons holding a permit for the guiding area. This written permission must be on the person of the guide conducting the hunt or in the base camp from which the hunt is conducted. (Eff. 5/12/78, Reg. 66)

Authority: AS 08.54.040(a)(3),(6) and (8)
AS 08.54.050

12 AAC 38.053. APPLICATION AND QUALIFICATION FOR GUIDING AREA PERMIT. (a) An applicant for initial issuance of a guiding area permit must, at the time of application and at the time the application is reviewed by the board, be a registered or master guide in good standing and must be certified in the district or districts in which the applied-for guiding area is located.

(b) In order to be considered, an applicant must submit to the board, on or before the published deadline, an application which describes the proposed geographic boundaries of the guiding area being applied for and a 1:250,000 scale map showing the proposed boundaries.

(c) Each application must include satisfactory documentation of the applicant's past use, occupancy, or financial investment in the guiding area applied for. The application may include other relevant information if it is substantiated by satisfactory documentation.

(d) The board will, in its discretion, issue a permanent guiding area permit to a qualified applicant who can substantiate his or her use, occupancy, or financial investment in the guiding area for at least three of the five years immediately preceding the published deadline for filing the application for that particular unit. The board will, in its discretion, issue a temporary guiding area permit to a qualified applicant who can substantiate his or her use, occupancy or financial investment in the guiding area for at least two of the five years immediately preceding the published deadline for filing the application for that particular unit.

(e) The holder of a temporary guiding area permit may apply for a permanent permit after one additional year of use, in the temporary guiding area. (Eff. 5/12/78, Reg. 66)

Authority: AS 08.54.040(a)(3),(6) and (8)
AS 08.54.050

12 AAC 38.054. REASSIGNMENT OF GUIDING AREA PERMIT. (a) Guiding area permits are not transferable by the permit holder. The board will, in its discretion, reassign a guiding area permit

(1) upon the death of the permit holder or upon a judicial determination that the permit holder is mentally incompetent;

(2) upon revocation or suspension of a guiding area permit;

(3) if the permit holder voluntarily relinquishes the guiding area permit; and

(4) upon application for reassignment.

(b) Under (a)(4) of this section, a permit holder may apply to the board for reassignment of his or her guiding area permit to a designated master or registered guide; the application must be made jointly by the permit holder and the designated master or registered guide. Approval of the reassignment will be given only upon a finding by the board, after notice and opportunity for a hearing, that the designated registered or master guide is qualified to guide in the area, is certified in the district or districts in which the applied-for guiding area is located, and that the reassignment is consistent with the public interest. The board will consider the designated master or registered guide's past use, occupancy, or financial investment in the guiding area and other relevant and reliable information in determining whether the designated master or registered guide is qualified.

(c) Except as otherwise provided in this chapter, an applicant for a guiding area permit which is to be reassigned must meet the requirements of sec. 53(a) of this chapter and make application in the manner prescribed for initial issuance of a guiding area permit.

(d) If an applicant cannot establish past use of the guiding area to be transferred or is not certified in the district or districts in which the guiding area is located, the board will consider experience and current use in another area of similar terrain if the applicant can establish to the satisfaction of the board that he or she is competent because of other relevant factors to conduct guiding activities in the guiding area.

(e) The board will consider the recommendations of the prior holder of the guiding area permit to be reassigned and will, in areas of joint use, consider the recommendations of the other holders of permits for the guiding area. (Eff. 5/12/78, Reg. 66)

Authority: AS 08.54.040(a)(3),(6) and (8)
AS 08.54.050

12 AAC 38.055. DEATH OR MENTAL INCAPACITY OF GUIDING AREA PERMIT HOLDER. (a) Upon the death of a holder of a guiding area permit, the board will, in its discretion, grant a waiver, for a time specified by the board, of the requirements of sec. 57 of this chapter if application is made by the estate within 90 days after death. Failure to make application within 90 days is considered a voluntary relinquishment of the permit. At any time during the period of the waiver, an heir may apply to the board for a reassignment of the permit to a person designated by the heir.

(b) Upon a judicial determination that a guiding area permit holder is mentally incompetent, the board will, in its discretion, grant a waiver, for a time specified by the board, of the requirements of sec. 57 of this chapter if application is made by the permit holder's guardian within 90 days after a judicial determination of the permit holder's mental incompetency. Failure to make application within 90 days is considered a voluntary relinquishment of the permit. At any time during the period of the waiver the guardian may apply to the board for a reassignment of the permit to a person designated by the guardian. (Eff. 5/12/78, Reg. 66)

Authority: AS 08.54.040(a)(3),(6) and (8)
AS 08.54.050

12 AAC 38.056. CHANGES TO GUIDING AREA PERMIT. Petitions for changes to the size or boundary of a guiding area, for reassignment of a guiding area permit, or for any other changes affecting the guiding area, will be accepted for all guide districts and will be reviewed at a regularly scheduled meeting of the board. Each petitioner will be advised of the date and place of the meeting when his or her petition is scheduled for review. A petition will not be reviewed by the board if the petitioner or a person authorized in writing by the petitioner as his or her designee fails to appear at the time

of the scheduled review. If the petition concerns a joint use guiding area permit, each holder of a permit for that guiding area will be furnished a copy of the petition and advised of the date and place when the petition is scheduled to be reviewed and may appear before the board and present testimony relevant to the petition. (Eff. 5/12/78, Reg. 66)

Authority: AS 08.54.040(a)(3),(6) and (8)
AS 08.54.050

12 AAC 38.057. MINIMUM USE OF GUIDING AREA. Each holder of a guiding area permit must conduct at least two contracted hunts within two consecutive calendar years in the guiding area as evidenced by statements of financial remuneration filed in accordance with sec. 60 of this chapter. Failure to do so for any two consecutive calendar years may result in revocation of the guiding area permit unless the permit holder can demonstrate to the satisfaction of the board that circumstances beyond his control precluded conducting the required hunts. (Eff. 5/12/78, Reg. 66)

Authority: AS 08.54.040(a)(3),(6) and (8)
AS 08.54.050

12 AAC 38.058. GROUNDS FOR REVOCATION OR SUSPENSION OF A GUIDING AREA PERMIT. The board will, in its discretion, revoke or suspend a guiding area permit or permits if the permit holder

(1) violates a federal or state sport fish, game or guiding statute or regulation, which violation occurred while guiding;

(2) has his guide license revoked or suspended or is denied renewal of a license for violation of a federal or state sport fish or game or guiding statute or regulation other than for nonpayment of current license fees;

(3) is found by the board to have misused a guiding area. (Eff. 5/12/78, Reg. 66)

Authority: AS 08.54.040(a)(3),(6) and (8)
AS 08.54.050

12 AAC 38.060. STATEMENT OF FINANCIAL REMUNERATION. (a) Before hunting with his or her client, a guide shall complete or have completed a statement of financial remuneration in triplicate on a form provided by the board for this purpose and shall state

accounting for and custody of state revenues which are only incidental to the Department's regulation and management of the fish and game resources of the State of Alaska,

"THEREFORE IT IS ORDERED

"1. All duties, functions and powers relative to the collection, accounting for and custody of state revenues, which are only incidental to the regulation and management of the fish and game resources of the State of Alaska, at present performed by the Department of Fish and Game, are transferred to the Department of Revenue.

"2. The Department of Revenue shall be deemed and held to constitute a continuation of the Department of Fish and Game with the same force and effect, as to the transferred functions, powers and duties as if the functions, powers and duties had not been transferred.

"3. All funds appropriated to the Department of Fish and Game prior to the transfer of those functions, powers and duties attributable to the transferred functions, powers and duties are transferred to appropriate line items in the

appropriation of the Department of Revenue.

"4. This order shall become effective at a date hereafter to be designated.

"Dated November 24, 1961"

Alaska's fish and game laws are applicable as federal law on military reservations. 1964 Op. Att'y Gen., No. 2.

Hunting or fishing at a military reservation must be in accord with Alaska laws regulating seasons, bag limits, methods of taking, etc. 1964 Op. Att'y Gen., No. 2.

But military personnel are not required to comply with licensing requirements while on reservation. 1964 Op. Att'y Gen., No. 2.

Since AS 16 05.940(14) does not grant special resident privileges to military personnel, which is a requisite for requiring them to purchase licenses for use on military reservations under 10 U.S.C. 2671(a)(2), they cannot be required to do so. 1964 Op. Att'y Gen., No. 2.

ALR reference. — Applicability of state fishing license laws or other public regulations to fishing in private lake or pond, 15 ALR2d 754

Sec. 16.05.335. Complimentary licenses. The commissioner of revenue shall annually, at the request of the governor, provide him with not to exceed 50 complimentary fishing and hunting licenses and appropriate big game tags which the governor may distribute to distinguished visitors to Alaska at his discretion for their use in any one season during their visits to the state. The complimentary license for sport fishing or hunting or both shall be inscribed by the governor with the inclusive dates for its authorized use. The governor shall advise the Department of Fish and Game on any complimentary issuances, which information shall be available to the public. (§ 1 art II ch 94 SLA 1959; am § 1 ch 61 SLA 1962; am § 1 ch 31 SLA 1963; am § 1 ch 6 SLA 1965)

Sec. 16.05.340. License and tag fees. (a) Fees for licenses and tags are as follows:

- (1) Resident sport fishing license \$10
- However, the fee is 25 cents for a resident who is blind.
- (2) Resident hunting license 12
- (3) (A) Resident hunting and trapping license 15
- (B) Resident trapping license 3
- (4) Resident hunting and sport fishing license 22
- (5) Resident hunting, trapping, and sport fishing license 25

However, the fee is 25 cents for the head of a family or a dependent member of his family or one solely dependent upon himself for support upon proof presented by the applicant that the applicant (A) is obtaining or has obtained assistance during the preceding six

months under any state or federal welfare program to aid the indigent, or (B) has an annual family gross income of less than \$3,600 for the year preceding application.

(6) Visitor's special sport fishing license — valid for the period inscribed on the license

- (A) For 10-day license 15
- (B) For one-day license 5
- (7) Nonresident sport fishing license 30
- (8) Nonresident hunting license 60
- (9) Nonresident hunting and sport fishing license 90

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued to him as provided in (16) of this subsection. The tag shall be affixed to the animal immediately upon capture and shall remain affixed until the animal is prepared for storage, consumed, or exported.

- (10) Nonresident hunting and trapping license 200
- (11) Repealed by § 2 ch 32 SLA 1968.
- (12) Repealed by § 2 ch 32 SLA 1968.
- (13) Fur dealers:
 - (A) Resident fur dealer license 50
 - (B) Nonresident fur dealer license 200
- (14) Taxidermists:
 - (A) Resident taxidermy license 75
 - (B) Nonresident taxidermy license 200
- (15) Fish, fur or game farming license 100
- (16) Nonresident big game tags:
 - (A) Bear, black, each 100
 - (B) [deleted]
 - (C) Bear, brown or grizzly, each 250
 - (D) Bear, polar, each 250
 - (E) Bison, each 250
 - (F) Caribou, each 200
 - (G) Deer, each 35
 - (H) Elk, each 125
 - (I) Goat, each 125
 - (J) Moose, each 200
 - (K) Sheep, each 250
 - (L) Walrus, each 250
 - (M) Wolf, each 50
 - (N) Wolverine, each 50

- (17) Repealed by § 2 ch 32 SLA 1968.
- (18) Resident tags for bear, brown or grizzly, each 25
- (19) Resident or nonresident permit application fee (all species for which a limited drawing is conducted, except musk oxen) 5

(b) The commissioner of fish and game may issue without cost a permit to collect fish and game, including fur animals, subject to the

limitations a propagative, issue a perm or (2) the rec The annual : purposes is : to satisfy th named for v

(c) The cc duplicate ta this section. tag and the revenue or destroyed. under (a) (5

(d) .Ment permanentl qualify as r nonresident for resident game anim hunting lic issued at tl

(e) Each registered following a and polar b of the guid

(1) polar (A) fo polar, bro brown or (B) fo polar, bro brown or (C) f polar, bro

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limitations and provisions he considers appropriate, for scientific, propagative, or educational purpose. In addition, the commissioner may issue a permit for (1) the collecting of wild fur animals for fur farming, or (2) the recapturing of fur animals that have escaped from fur farms. The annual fee for a permit for collecting fur animals for fur farming purposes is \$100. A tag issued but not used for an animal may be used to satisfy the tagging requirement for any other animal of the species named for which the tag fee is of equal or less value.

(c) The commissioner of revenue may issue a duplicate license or a duplicate tag as a replacement for a license or tag issued under (a) of this section. A fee of \$2 shall be charged for each duplicate license or tag and the duplicate shall not be issued unless the commissioner of revenue or his delegate is satisfied that the original has been lost or destroyed. This subsection does not apply to a 25-cent license issued under (a) (5) of this section.

(d) Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under § 940(14) of this chapter, may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at the nonresident rate, under (a)(16) of this section.

(e) Each master guide licensed under AS 08.54.100 and each registered guide licensed under AS 08.54.110 shall pay a fee in the following amount for each caribou, sheep, moose, brown or grizzly bear and polar bear taken on a hunt guided by or under the active supervision of the guide:

(1) polar, brown or grizzly bear:

(A) for each polar, brown or grizzly bear taken over a total of 5 polar, brown or grizzly bear per season and up to a total of 10 polar, brown or grizzly bear — \$20;

(B) for each polar, brown or grizzly bear taken over a total of 10 polar, brown or grizzly bear per season and up to a total of 25 polar, brown or grizzly bear — \$100;

(C) for each polar, brown or grizzly bear taken over a total of 25 polar, brown or grizzly bear per season — \$500;

(2) moose:

(A) for each moose taken over a total of 5 and up to a total of 10 per season — \$20;

(B) for each moose taken over 10 and up to a total of 25 per season — \$100;

(C) for each moose taken over 25 per season — \$500;

(3) sheep:

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Chapter 01. Centralized Licensing.

Section	Section
10. Applicability of chapter	80. Department regulations
20. Board organization	87. Powers and duties of department
25. Public members	90. Applicability of the Administrative Procedure Act
30. Quorum	100. License renewal, lapse and reinstatement
40. Transportation and per diem	105. Penalty for improper payment
50. Administrative duties of department	110. Definitions
60. Application for license	
70. Administrative duties of boards	

Sec. 08.01.010. Applicability of chapter. This chapter applies to the

- (1) Board of Public Accountancy;
- (2) Board of Barber Examiners;
- (3) Repealed by § 6 ch 32 SLA 1971.
- (4) Board of Chiropractic Examiners;
- (5) Board of Hairdressing and Beauty Culture Examiners;
- (6) Board of Dental Examiners;
- (7) Board of Electrical Examiners;
- (8) State Board of Registration for Architects, Engineers and Land Surveyors;
- (9) State Medical Board;
- (10) Board of Nursing;
- (11) Board of Examiners in Optometry;
- (12) Board of Pharmacy;
- (13) Real Estate Commission;
- (14) Board of Veterinary Examiners;
- (15) Board of Psychologist and Psychological Associate Examiners;
- (16) Collection Agency Board;
- (17) Board of Welding Examiners;
- (18) Board of Marine Pilots;
- (19) Board of Dispensing Opticians;
- (20) Guide Licensing and Control Board;
- (21) State Physical Therapy Board. (§ 1 ch 59 SLA 1966; am § 2 ch 136 SLA 1967; am § 2 ch 101 SLA 1968; am § 2 ch 143 SLA 1968; am § 2 ch 151 SLA 1968; am § 1 ch 106 SLA 1970; am § 6 ch 32 SLA 1971; am § 4 ch 179 SLA 1972; am § 2 ch 45 SLA 1973; am § 14 ch 65 SLA 1973; am § 1 ch 43 SLA 1975; am § 1 ch 43 SLA 1977)

Effect of amendments. — The first 1973 amendment added paragraph (19).

The second 1973 amendment inserted "and Psychological Associate" in paragraph (15).

The 1975 amendment added paragraph (20).

The 1977 amendment added paragraph (21).

Editor's note. — Section 2, ch. 59, SLA 1966, provides: "The Department of Commerce shall provide for the orderly

transfer of the service functions which are to be performed by the department under this chapter."

Section 4, ch. 59, SLA 1966, provides: "A provision in existing law which conflicts with this Act is superseded by this Act."

Legislative committee reports. — For report on ch. 143, SLA 1968 (HB 707), see 1968 House Journal, p. 836. For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

Sec. 08.03.010. Termination, continuation and reestablishment of regulatory boards. (a) Boards listed in this subsection have a termination date of June 30, 1979:

- (1) Board of Chiropractic Examiners (AS 08.20.010);
- (2) Board of Dental Examiners (AS 08.36.010);
- (3) State Medical Board (AS 08.64.010);
- (4) Board of Nursing (AS 08.68.010);
- (5) Board of Dispensing Opticians (AS 08.71.010);
- (6) Board of Examiners in Optometry (AS 08.72.010);
- (7) Board of Pharmacy (AS 08.80.010);
- (8) Board of Veterinary Examiners (AS 08.98.010);
- (9) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (10) Board of Nursing Home Administrators (AS 08.70.010);
- (11) Physical Therapy Board (AS 08.84.010).

(b) Boards listed in this subsection have a termination date of June 30, 1980:

- (1) Board of Public Accountancy (AS 08.04.010);
- (2) Board of Barber Examiners (AS 08.12.010);
- (3) Collection Agency Board (AS 08.24.011);
- (4) Board of Hairdressing and Beauty Culture Examiners (AS 08.28.010);
- (5) Board of Electrical Examiners (AS 08.40.010);
- (6) State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011);
- (7) Guide Licensing and Control Board (AS 08.54.010);
- (8) Board of Marine Pilots (AS 08.62.010);
- (9) Real Estate Commission (AS 08.88.011);
- (10) Board of Welding Examiners (AS 08.99.010);
- (11) Board of Governors of the Alaska Bar Association (AS 08.08.040).

(c) Upon termination, each board listed in (a) and (b) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(d) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(e) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (S 2 ch 149 SLA 1977)

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Sec. 08.54.100. Qualifications for a master guide license. A person is entitled to be licensed as a master guide if he

(1) has legally hunted in the state for a part of each of 10 years during which time a substantial source of his income was from guiding or related activities directly contributing to his experience and competency as a guide;

(2) meets all the requirements of a registered guide and has been actively engaged in licensed guiding activities in the state for at least five years preceding application;

(3) has not been convicted of a violation of federal or state sport fishing, game or guiding laws or regulations within the preceding five years;

(4) has consistently performed in a superior manner as evidenced by required reports submitted to the board and by inquiries made by the board to at least two of the guide's clients of record; and

(5) meets additional qualifications which the board may require. (§ 1 ch 17 SLA 1973)

Editor's note. — Section 3, ch. 17, SLA 1973, provides: "A person licensed as a registered or master guide, class-A assistant guide or assistant guide as of March 14, 1973 shall, upon application, be issued a registered guide license, master guide license, class-A assistant guide license or assistant guide license, respectively."

Sec. 08.54.110. Qualifications for registered guide license. A person is entitled to be licensed as a registered guide if he

(1) is 21 years of age or more;

(2) is a resident of the state and maintains a permanent place of abode in the state;

(3) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of trophies, first aid and photography;

(4) is familiar with the terrain and transportation problems in the district for which the license is requested;

(5) has passed the qualification examination prepared and administered by the board;

(6) has demonstrated to the board sufficient standards of competence and ethical conduct and has not been convicted of a crime involving moral turpitude;

(7) has legally hunted in the state for all or part of each of five years in a manner directly contributing to his experience and competency as a guide;

(8) has been licensed as and performed the services of an assistant guide in the state for a part of each of three years;

(9) submits a written recommendation to the board from a registered guide for whom the applicant has worked;

(10) is capable of performing the physical duties associated with guiding activities;

(11) has been favorably recommended in writing by two hunters that he has guided or assisted in guiding during each year of his three years as an assistant guide, whose recommendations have been solicited by the board from a list provided by the applicant;

(12) meets additional qualifications which the board may require. (§ 1 ch 17 SLA 1973)

Cross reference. — See editor's note under AS 08.54.100.

Sec. 08.54.120. Qualifications for a class-A assistant guide license. A person is entitled to be licensed as a class-A assistant guide if he

(1) has been employed for at least one season as a licensed assistant guide;

(2) has had at least 20 years experience in the guide district in which he is to be employed; for the purposes of this paragraph physical presence at some time of the year during each of the 20 years constitutes adequate evidence of experience, and military service outside the state for no more than six years shall be accepted as part of the required 20 years experience;

(3) has been recommended in writing as qualified by a registered or master guide to the board. (§ 1 ch 17 SLA 1973)

Cross reference. — See editor's note under AS 08.54.100.

Sec. 08.54.130. Privileges and limitations of class-A assistant guides. A class-A assistant guide

(1) may not contract for hunts;

(2) shall be under the supervision of a registered or master guide who has contracted with the client for whom the class-A assistant guide is conducting the hunt;

(3) may take charge of a camp and conduct hunts from it without the registered or master guide necessarily being present in the area if the registered or master guide is physically present in the state and is actively supervising in guiding activities. (§ 1 ch 17 SLA 1973)

Sec. 08.54.140. Qualifications for assistant guide license. A person is entitled to be licensed as an assistant guide if he

(1) is 19 years of age or more;

(2) is a resident of the state;

(3) is favorably recommended to the board, in writing, by a registered guide;

(4) meets additional qualifications which the board may require;

(5) is in sound physical condition. (§ 1 ch 17 SLA 1973)

Cross reference. — See editor's note under AS 08.54.100.

§ 08.54.140

§ 08.54.142

BUSINESS AND PROFESSIONS

§ 08.54.146

Sec. 08.54.142. Qualification for transporter license. (a) No person may engage in the activity of transporting unless he is licensed as a transporter under this chapter. A person may be licensed as a transporter if he

(1) is a resident of the state;

(2) is familiar with the terrain and transportation problems in the district or districts for which the license is requested;

(3) obtains a business license to do business as a transporter under AS 43.70.030.

(b) No person may engage in the activity of transporting by air without an air commerce certificate as required by AS 02.05.040. (§ 2 ch 106 SLA 1976)

Editor's note. — Section 1, ch. 106, SLA 1976, provides: "Purpose. It is the purpose of this Act to protect the safety of the citizens of the state and better manage and protect its resources by licensing persons who transport hunters for hire so that reasonable standards and guidelines will be met and activities affecting the state's

game resources will be more accurately monitored and assessed."

Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Sec. 08.54.144. Restriction to transportation. (a) A licensed transporter may transport persons whose primary purpose is the taking of big game or the associated removing of big game meat and parts of big game, with the intent of receiving monetary or material remuneration for the transportation.

(b) Air carriers who transport persons between airports, landing strips or other landing areas officially listed in the United States government Flight Information Publication, Alaska Supplement, as revised, or the United States government Sectional Aeronautical Charts, as revised, are exempted from the license requirements for transporters under this chapter but shall comply with the reporting provisions as prescribed in AS 02.05.170(f).

(c) Master guides, registered guides, class-A assistant guides or assistant guides are exempted from the license requirements for transporters under this chapter but shall comply with the reporting provisions as prescribed in AS 02.05.170(f). (§ 2 ch 106 SLA 1976)

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right

as an air carrier which he does not otherwise hold under law."

Sec. 08.54.146. Transporter report. A transporter shall maintain a record of (1) the names and addresses of all persons he transports; (2) the type of game transported; (3) an estimate of the quantity of meat

transported; (4) the date of transporting; and (5) if known, the locality where the game was taken. The report shall be submitted to the Department of Fish and Game within 90 days after transporting the game. After receiving a report required under this section, the Department of Fish and Game shall send a copy of it to the Department of Public Safety. (§ 2 ch 106 SLA 1976; am § 4 ch 133 SLA 1976)

Revisor's note (1976). — AS 08.54.146 was added by § 2, ch. 106, SLA 1976, and amended by § 4, ch. 133, SLA 1976. Since the two acts appear to be inconsistent, and ch. 106 is superseded by ch. 133, only the later enactment has been given effect here.

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Effect of amendment. — Section 4, ch. 133, SLA 1976, substituted "ninety days" for "thirty days" in the second sentence.

Sec. 08.54.150. Responsibility of registered or master guide for violations. A registered or master guide contracting for a hunt is equally responsible under § 200 of this chapter for a violation of a federal or state sport fish, game or guide statute or regulation committed by a class-A assistant guide or assistant guide while in the course of his employment. (§ 1 ch 17 SLA 1973)

Sec. 08.54.170. License fees. (a) License fees for engaging in the profession of guiding are:

- (1) master guide license, annual \$75
- (2) registered guide license, annual 75
- (3) class-A assistant guide, annual 15
- (4) assistant guide license, annual 10

(b) The license fee for a master guide, registered guide, class-A assistant guide or assistant guide license is in addition to the fee required for a hunting or fishing license.

(c) The license fee for a transporter is \$10. (§ 1 ch 17 SLA 1973; am § 3 ch 106 SLA 1976)

Effect of amendment. — The 1976 amendment added subsection (c).

a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives

Sec. 08.54.180. Examination fee. An applicant for a guide examination shall pay a fee of \$25. (§ 1 ch 17 SLA 1973)

Sec. 08.54.185. Additional fees. In addition to the license and examination fees provided for under this chapter, master guides and registered guides are subject to fees imposed under AS 16.05.340(e). (§ 4 ch 268 SLA 1976)

Legislative committee report. — For CSSSSB 335, see 1976 House Journal, p. 910. report on ch. 268, SLA 1976 (FCCS HCS

Article 3. General Provisions.

Section
240. Definitions

Sec. 08.54.240. Definitions. In this chapter

- (1) "board" means the Guide Licensing and Control Board;
- (2) "guide", "guides" or "guiding" means assisting another person to take game with the intent of receiving monetary or material remuneration for the services, by accompanying and directing that person personally or through a licensed assistant guide for the duration of a hunt, and not solely for the purpose of providing transportation services;
- (3) "resident" means a person who maintains a place of residence within the state; has not claimed residency in another state for the immediately preceding 12 months; shows by all attending circumstances that his intent is to make this state his permanent residence;
- (4) "unethical activity" means
 - (A) deception in any degree involving prospective or actual clients either before, during, or following contract hunts;
 - (B) misrepresentation either through private communication or public advertising of the nature, type, duration, cost, or other conditions of contract hunts.
 - (C) making a guaranty that a species or certain number of species of game will be taken on a contract hunt.
- (5) "transporting" or the "activity of transporting" means conveying a person by any lawful means to an area for remuneration or material benefit in excess of normal operating costs, when the primary purpose of the person being conveyed is the taking of big game and the associated removing of big game meat and parts of big game after big game has been taken; big game as used in this paragraph means game which, if taken by a nonresident, would require a big game tag. (S 1 ch 17 SLA 1973; am §§ 7, 8 ch 106 SLA 1976; am § 2 ch 107 SLA 1976)

Effect of amendments. — The first 1976 amendment deleted "accompanying, guiding, or" preceding "assisting another person" near the beginning of paragraph (2), added the language beginning "by accompanying and directing that person" to the end of that paragraph, and added paragraph (5).

The second 1976 amendment added paragraph (4)(C).

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Chapter 56. Hotels and Boardinghouses.

- Section
- 10. Registration of travelers
- 20. Effect of refusal to register
- 30. Penalty for noncompliance
- 40. Disposition of fines

- Section
- 50. Liability for valuables
- 60. Baggage liability
- 70. Definitions

KILLED
ON
SENATE FLOOR

Original sponsor: Commerce Committee

Offered: 4/25/80
Referred: Rules

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 574

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Guide Licensing
7 and Control Board and amending the law relating to its
8 powers and responsibilities; and providing for an
9 effective date."

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

11 * Section 1. AS 08.54.010 is amended to read:

12 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. There is created
13 in the division of fish and wildlife protection, Department of Public
14 Safety, the Guide Licensing and Control Board consisting of seven mem-
15 bers. Three [NO MORE THAN THREE] members of the board shall be ac-
16 tively involved in guiding [HAVE A GUIDE LICENSE]. The other members
17 shall have a general knowledge of the game resources of the state but may
18 not (1) be engaged in guiding; (2) be associated by legal contract with a
19 guide except as a consumer of the services provided by the guide; or (3)
20 have a direct financial interest in a guide business. A minimum of 10
21 years residence in the state is required for all members of the board.

22 * Sec. 2. AS 08.540.020 is amended to read:

23 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
24 the board shall be appointed by the governor and confirmed by the legis-
25 lature for staggered terms of three years or until their successors are
26 appointed. Initial terms are as follows: three members for one year,
27 two members for two years, and two members for three years. A member
28 may be removed at the pleasure of the governor. A person may not be
29 appointed to the board for more than two consecutive terms.

1 * Sec. 3. AS 08.54.030 is amended to read:

2 Sec. 08.54.030. CHAIRMAN OF BOARD. The board shall annually elect
3 one of its members as chairman and one of its members as vice-chairman.
4 A person elected as chairman may not serve for more than two consecutive
5 years.

6 * Sec. 4. AS 08.54.170(a) is amended to read:

7 (a) License fees for engaging in the profession of guiding are:

8 (1) master guide license, biennial [ANNUAL]. . . \$200 [\$75]

9 (2) registered guide license, biennial [ANNUAL]. \$200 [75]

10 (3) class-A assistant guide, biennial [ANNUAL] . \$ 50 [15]

11 (4) assistant guide license, biennial [ANNUAL] . \$ 30 [10]

12 * Sec. 5. AS 08.54 is amended by adding a new section to read:

13 Sec. 08.54.182. EXAMINATION. The qualification examination re-
14 quired to be passed by persons seeking licensure under AS 08.54.100 and
15 08.54.110 shall be administered twice a year in both Juneau and
16 Anchorage.

17 * Sec. 6. AS 08.54.190(a) is amended to read:

18 (a) A master guide, registered guide, class-A assistant guide, or
19 assistant guide [OR TRANSPORTER] license expires on December 31 of the
20 calendar year following the calendar year in which the license was issued
21 [FOLLOWING ISSUANCE].

22 * Sec. 7. AS 08.54.190(b) is amended to read:

23 (b) No license may be issued to a class-A assistant guide or
24 assistant guide who has failed to renew his license for four [TWO]
25 consecutive years unless he again meets the qualifications for initial
26 issuance of the license.

27 * Sec. 8. AS 08.54.200(a) is amended to read:

28 (a) The board shall hold a hearing to determine if disciplinary
29 action is necessary if

1 (1) complaints concerning the licensee have been filed with
2 the board from three or more clients of separate parties within the past
3 five years; or

4 (2) [A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDERAL
5 OR STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS; OR]

6 (3) a licensee has been convicted of a violation of federal
7 or state sport fish, game or guide statute or regulation.

8 * Sec. 9. AS 08.54.200(c) is amended to read:

9 (c) After a hearing, the board shall revoke, suspend, or deny re-
10 newal of a license if the board finds that the licensee

11 (1) does not meet the qualifications specified by statute or
12 regulation for the class of license held;

13 (2) is incompetent as a master guide, registered guide,
14 class-A assistant guide, or assistant guide;

15 (3) has been convicted of two violations of federal or state
16 sport fish, game or guide statutes or regulations within the past five
17 years.

18 * Sec. 10. AS 08.54.210(a)(1) is amended to read:

19 (1) a master guide, registered guide, class-A assistant
20 guide, or assistant guide [OR TRANSPORTER] to fail to timely report to
21 the Department of Public Safety, division of fish and wildlife protec-
22 tion, and in no event later than 30 days, violations by a client of a
23 state fish, game or guiding statute or regulation;

24 * Sec. 11. AS 08.54.210(a)(2) is amended to read:

25 (2) a master guide, registered guide, class A assistant
26 guide, or assistant guide [OR TRANSPORTER] to aid the commission of a
27 violation of this chapter or of AS 16.05 or a regulation adopted [PROMUL-
28 GATED] under either chapter, or permit the commission of a violation in
29 his sight without attempting to prevent it, short of using force, and

1 without reporting it;

2 * Sec. 12. AS 08.54.210(a)(4) is amended to read:

3 (4) a person to advertise as or represent himself to be a
4 licensed master guide, registered guide, class-A assistant guide, or
5 assistant guide [OR TRANSPORTER] without being currently licensed, or to
6 falsely advertise services;

7 * Sec. 13. AS 44.41.020 is amended to read:

8 Sec. 44.41.020. DUTIES OF DEPARTMENT. (a) The Department of
9 Public Safety shall administer functions relative to the protection of
10 life and property.

11 (b) The Department of Public Safety shall administer the Guide
12 Licensing and Control Board established under AS 08.54.010.

13 * Sec. 14. AS 08.03.010(c) is amended by adding a new paragraph to read:

14 (2) Guide Licensing and Control Board (AS 08.54.010) --
15 June 30, 1984.

16 * Sec. 15. AS 08.01.010(20); AS 08.03.010(b)(7); AS 08.54.100(5), 08.54.-
17 110(12), 08.54.142, 08.54.144, 08.54.146, 08.54.170(c), 08.54.240(5); and
18 AS 16.05.340(e) are repealed.

19 * Sec. 16. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

April 29, 1980

465-3600

Guide Licensing and Control Board
Department of Commerce and
Economic Development
Pouch D
Juneau, Alaska 99811

Gentlemen:

At the April 1980 Guide Board meeting in Fairbanks, the board granted a petition from Chairman Mark Jensen requesting he be granted exclusive use of a portion of Chicagof Island. At the time the board action occurred, Assistant Attorney General Liza Fussner advised you that the board's action was illegal. The board nonetheless granted the petition.

I have enclosed a copy of a memorandum from Ms. Fussner to Tom Koester, head of the Resources Division in my office. Because of the sensitive nature of this action involving as it does the Chairman of the Guide Board, I reviewed the matter personally and I believe that Ms. Fussner's advice to you is sound. The action of the board cannot be supported by law.

I have been advised that litigation will be commenced immediately to contest the board's action. Since we have already advised you the action is illegal, we will be forced to concede that illegality in court. Moreover, since we have advised you of the impropriety of your action and the board has nonetheless taken the action, there is a very real possibility that individual members of the board may be liable for damages, court costs, and possible attorney fees of any successful litigant.

I realize this is a difficult situation, but it is only going to get more difficult if nothing is done promptly. I strongly urge the board to immediately convene, by phone if necessary, to reconsider its action and rescind the decision. Full notice should be given to Mr. Jensen who will be free to contest the matter if he so chooses.

I would be happy to discuss this with you by phone or in person at your earliest convenience. Obviously, it is not pleasant for me to suggest this type of action to a state board, but my responsibilities under the laws of the state simply afford me no room for latitude.

Yours very truly,

A handwritten signature in black ink, appearing to read "Avrum M. Gross". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Avrum M. Gross
Attorney General

AMG:chw

Enclosure

cc: Bill Bellingar
% Liza Fussner

FROST GUIDE SERVICE, INC.

STAR RT. A. BOX 395-C
ANCHORAGE, ALASKA 99507

FAREWELL LAKE
VIA MCGRATH, ALASKA 99627

FAREWELL LAKE

PHONE (907) 344-5482

STAN FROST, REGISTERED GUIDE #17

March 26, 1980

Bud Wiese
Interior Wildlife Association of Alaska
Box 60255
Fairbanks, Alaska 99701

COPY

*Mary
Henderson*

Dear Bud:

I was very disappointed to see your name at the bottom of the letter of March 20th to Representative Osterback.

Bud, I have always had great respect for you, and still believe that you were one of the best Guide Board members we ever had. You never pre-judged anyone and always tried to get both sides of a problem BEFORE you made a decision. Your stabilizing influence on the board is sincerely missed by the guiding industry.

I can not help but believe that you have been missled by, Mark's personal animosity towards me in making the unsubstanuated statements you made in this letter. --- When you, unfairly attack one of my family, and insinuate that the personal integrity of Rick is questionable, by inudendo and not having the balls to come right out with factual charges is something I can not understand.

You ,yourself, as a member of the guide board, REQUIRED facts and did not condemn a man on the emotional outburst of someone who may have an ax to grind.

You made a lot of decisions which affected the lives of many guides when you were on the Board. some guides disagreed with your decisions, You were not always right, but you made a judgement believing you made the best one. and in most cases I think you made good decisions.

You expected the guides to accept your actions, right or wrong, and would be very upset if you received a letter claiming that your personal and family problems entered into your decision. ----- That statement you made was strictly uncalled for. --- I believe you owe both Rick & I an explanation of that statement----

You, as one who was on the Board during the formative years, I would like to remind you of a few FACTS:

- (1) During the first years of the Guide Board, I was President of the Alaska Professional Hunters Assocc. and was always-(and still am) in favor of a Guide Board for the good of the guiding industry. Both you and I differed with Rick's ideas many times, but that does not mean he did not also have some good ideas also.

(page 2) March 26, 1980

- (2) Rick Halford has always been against the way the guide board has allocated areas, and A.P.H.A. has also complained about the way area's were given out because you had no set criteria and changed it from area to area.....BUT basicly the Guide Board has been a stabilizing influence on the guiding industry. But even you must agree,--If what the guide board is doing will not hold up in Law, The board must be given the chance to correct it. The Board should not be afraid of a Legal review of the regulations. If they are, something is very wrong!!!!

The next to the last para. of your letter really disturbs me. This is nothing but a muck racking attempt to discredit a Representative who differs with your thinking. Some of you take any criticism of the board as a personal insult, which is totally wrong.....I have differed with Rick many times, and he with me, and will continue to do so, but I don't try to discredit him.

....Do you really know what you are saying ???

You are insinuating that Rick has used his position as a State Representative for personal profit.....Bud I'm suprised at you....and dissapointed.. Rick flew for the Game Department, Before he was a State Representative. Just think about it,--you are in the trucking business,--if you were elected to the House, would you turn down the State contract you had for the past few years, and go out of business, because you were elected ?????? I hope you don't try to kid yourself when you answer that question.

Bud, you should listen to Mark, just like you listened to the guides when they testified before you----with an open mind----then get the other side of the story Don't go off half cocked. Its not like you to get involved in, gossip, muck-racking, or dwelling into the personal, and family life of anyone in an attempt to rationalize your position, especially when you don't know what you are talking about.

Take Chuck Grays letter to Rep. Osterback, it was excellant and was, to the point, concize, & factual with no bullshit about anyone. He put his points of dis~~re~~ment across very well.

We should all learn something when we compare these two letters complaining about the same things. I know I sure have. We all get carried away at times and Bud, I think that you owe Rick an apology as soon as possibly.

Looking forward to hearing from you.

Stan Frost

CHARLES GRAY

311 Slater Street
FAIRBANKS, ALASKA 99701

March 21, 1980

Representative Alvin Osterback
Co-Chairman, Resources Committee
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Osterback,

As one of 10 guides who spontaneously appeared in Fairbanks for the recent Senate Commerce Committee teleconference on the sunset provision for the Guide Board, I want to tell you that we are all disappointed in the lukewarm endorsement for the Board that came out of your committee. When I say "we", I assume the others will be, too, for they all spoke highly of the Board's accomplishments.

Thanks to the Board, a guide can now concentrate on producing a quality hunt instead of trying to out-fox other guides that are vying for the same area. I would also call your attention to the fact that two of the five biggest vacuum cleaning outlaws have been put out of business by the Board.

I particularly feel it is unfair to only recommend a temporary one year extension of the Board while the Department of Law looks for problems. Instead of causing the Board trouble, you should be praising them for accomplishing the near-impossible.

As for paragraph 5b of your report to the House Speaker, it appears your committee is suggesting a special class of citizen be created to accommodate rural residents. While I won't attempt to probe the constitutionality of this, I would remind you that the function of the Board is to upgrade the guiding profession. Guides have to handle a lot of correspondence, contracts and other business functions that cannot be neglected in a profession.

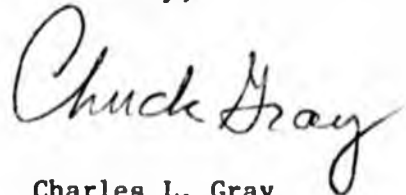
Now having said that, I would point out that the Board bends over backwards to accommodate native people that genuinely want to get into guiding. Examples would be some of the walrus hunters on St. Lawrence Island and muskoxen guides on Nunivak. At the Board's request, I am presently assisting a native guide from Arctic Village to prepare his case for a guiding area. This fellow, whom I helped into the guiding business many years ago, has failed to show up at Board meetings on several occasions when contenders for the area have been greatly inconvenienced by this fact. Still the Board has kept his application open long after it would

Representative Alvin Osterback
March 21, 1980
page two

have been closed for any white guide. I don't object to this; I think it is good that the Board goes the extra mile, but I fail to see how you can expect them to do more, by any stretch of the imagination.

I sincerely hope you will take these comments as constructive and informative and see your way clear to give the Board greater assistance, for none of the guides I know want to return to the chaos we had prior to the formation of the Guide Board.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Gray". The signature is written in dark ink and is positioned to the right of the typed name.

Charles L. Gray

cc: Resource Committee Members



Clark Engle
4129 Lana Court
Anchorage, Alaska 99504
Phone (907) 333-5214
March 27, 1980

Rep. Al Osterback, Chairman
Puooh V
Juneau, Alaska 99811

Dear Mr. Chairman,

This letter is in regards to the Sunset Review of the Guide License and Control Board. As a member of said board, I feel I must comment on the review and a copy of a letter of a request by Rep. Rick Halford, to attorney general's office about a legal audit.

First, I would like to comment on Rep. Halford. It has come to my attention that certain people have made accusations against him. They say he has a conflict of interest, he is letting his family get in his way of making good judgement, etc. I want you to understand I am not a fan of Rep. Halford's, in fact, we very seldom agree on most facts. However, I do think Rep. Halford is an honest legislator and his integrity, as far as I am concerned, has never been in doubt. To say he has a conflict of interest is ridiculous and the family problem is even more ridiculous.

I feel this attack on him was due to him asking for a legal audit. As one of the board members, I say it is about time and I welcome a legal audit. I cannot understand anyone not wishing to adhere to the constitution, and after all, that is what is expected of us.

Now, I would like to comment on the review finding by the House Resources.

No. 1 I am happy to see you find need for the board, for safety and welfare of the public. I feel you have left out one important thing, that is, the great need by the industry, for a board, to better the guiding industry.

No. 2 I disagree with finding in this case. The board should not be under public safety. A separation of the police and the board should be distinct. The reason given me for putting it under protection is commerce does not do its job. If this is true and I believe it is, the legislator should shape the bureaucracy up, not transfer the problem.

No. 3 The transporter law, like many laws, was designed to correct a problem. And like many other laws, it failed miserably,



in fact it caused more problems. All this law did was to license a \$10.00 guide.

No. 4 This finding has much merit. For years we have been trying to change some simple statutes. I shall list them, these will not be in there order of importance.

(a) Repeal of the guide head tax (Alaska Statute Sec. 16.05.340). This head tax is the most unfair, and I believe, it is a discriminatory tax. It sets the guide aside and taxes him and does not tax any other user of the natural resources, such as resident hunter, timber people, commerical fishermen, sports fishermen, miner, subsistence hunter and fishermen. You must remember, we do not shoot the game, all we do is provide a service for a hurter. The hunter has already paid for the right to hunt by buying a license and tags. I take note of the lack of tax on bird watchers who takes pictures, etc. I encourage you to repeal this law.

(b) In the guide law (Sec. 08.54.200) grounds for disciplining a licensee. According to this statute, the board must have a hearing, if a licensee has had 3 or more complaint letters from Clients. There is no time element on this, these complaints could be 10 or 15 years apart. I suggest the mandatory section be removed. Leave it up to the board, there are times when one complaint should be heard. All complaints should be investigated and the results should be presented to the board.

(c) Sec. 08.54.200 grounds for disciplining a license Section (C) No. (3) It is mandatory the board revoke a license if a licensee is convicted of two violations. This manadatory section should be removed also. Some convictions do not merit revoking a license. Example (a guide is convicted of forgetting his license one year, 10 years later he is convicted of not having proper survival gear in the aircraft, the guide claims the gear was stolen. It would be mandatory for the board to revoke his license for 5 years. I say leave this decision to the board, do not make it mandatory.

(d) New sections to be added. The board will advertise to the public for proposals to change guide regulation and will consider them and take action at least once a year. At this time the public has no way to submit a proposed change of regulation unless the board chairman O.K.'s them or one of the board members submit them. This should be set up simular to Game Board.

(e) New section to be added. Annual election of chairman and vice chairman. Chairman and vice chairman will only serve 2 consecutive years. Mark Jenson has been Chairman for 6 years and he has been a very dedicated chairman, however, I think it is healthy for a board to have a new chairman every two years for new thinking, new ideas, a new outlook on matters.

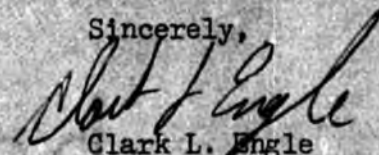
(f) New section. Guide Board members must attend at least 3/4th of the meetings each year, and registered guide members of the board must be active. To prove activity they must have at least 5 financial remuneration statements on file, per year. It does no no good to have a guide on the board that is not active, he is out of the main stream of the industry.

No. 5 I hope the legislators do not hamstring the board by continuing the board for just one year. We are only allowed 3 meetings a year, by the commerce dept. They tell us they have no more funds. There is only a certain amount one can expect from a board that will be in session for 15 days a year. Possibly the answer to that, if you do continue us for just one year is, set asside a special appropriation for more meetings and longer meetings.

(5b) Last but not least this deals with rural resident guides. I am happy to see our rural resident s taken care of. However, let me caution you, make dam sure that all guides, whether they be rural or urban, be treated equal. Do not make the la double standard.

I realize I have been long winded, as I usually am, but I feel you should get as much input from all segment of the guiding industry. Only then can you make workable laws.

Sincerely,



Clark L. Engle

cc:Reps: Pat Carney
Bill Miles
Chat Chatterton
Fred Zharoff
Jack Fuller
Sam Cotten
Rick Halford
Joe Hayes
Sens: Brad Bradley
Ed Dankworth
Arliss Sturgulewski
All Guide Board Members
Bill Bellinger



REPRESENTATIVE PHILLIP GUY

Alaska State Legislature

POUCH V

JUNEAU, ALASKA 99811

COMMITTEES:
HOUSE FINANCE

DISTRICT 17

A.V.C.P., INC.
KUSKOKWIM - YUKON

- AKIACHAK
- AKIAK
- ALAKANUK
- ANDREAFSKY
- ANIAK
- ATMAUTLUAK
- BETHEL
- CHEFORNAK
- CHEVAK
- CROOKED CREEK
- E EK
- EMMONAK
- GEORGETOWN (K)
- GODNEWS BAY
- HAMILTON
- HOLITNA
- HOOPER BAY
- KASIGLOOK
- KIPNUK
- KONGIGANAK
- KCTLIK
- KWETHLUK
- KWIGILLINGOK
- LIME VILLAGE
- LOWER KALSKAG
- FORTUNA LEDGE
(MARSHALL)
- MEKORYUK
- MCOUNTAIN VILLAGE
- NAPAIMUTE
- NAPAKIAK
- NAPASKIAK
- NEWTOK
- NIGHTMUTE
- NUNAPITCHUK
- NYAC
- OHOGAMIUT
- OSCARVILLE
- PILOT STATION
- PITKAS POINT
- PLATINUM
- RUSSIAN MISSION (K)
- RUSSIAN MISSION (Y)
- RED DEVIL
- SCAMMON BAY
- SHELDON'S POINT
- SLEETMUTE
- ST. MARY'S
- STONY RIVER
- TOKSOOK BAY
- TULUKSAK
- TUNTUTULIAK
- TUNUNAK
- UPPER KALSKAG

TO: Senator George Hohman, Chairman
Legislative Council

FROM: Representative Phillip Guy, Chairman
Guide Licensing Study

RE: Summary of activities and recommendations
INTERIM GUIDE LICENSING STUDY

February 6, 1980

In 1979, the legislature appropriated funds to study problems experienced by Native Alaskans in becoming licensed guides. Although I chaired the committee, Representative Fuller took responsibility for carrying out the study and preparing the final report. Rep. Fuller's committee on subsistence was active during the interim, and the activities of the guide licensing committee seemed sufficiently compatible for a concurrent effort.

Representative Fuller and Mr. Marcus Jensen (Chairman of the Guide Licensing and Control Board) traveled to Gambell, Savoonga and Shismaref. Meetings were held in each village to discuss HB 405, a bill which would change the guide licensing requirements in the newly created game management unit #27 (Arctic coast). The state of Alaska renanded management authority for the walrus to the federal government during the summer, and when future walrus hunting may occur under state auspices is uncertain. Representative Fuller met with the Commissioners and staff of the Eskimo Walrus Commission and will be kept current on the changing situation with walrus.

- AKIACHAK
- AKIAK
- ANIAK
- ATMAUTLUAK
- BETHEL
- CHEFORNAK
- E EK
- KALSKAG
- KASIGLU
- KWETHLL
- LOWER KALSKAG
- MEKORYUK
- NAPAKIAK
- NAPASKIAK
- NEWTOK
- NIGHTMUTE
- NUNAPITCHUK
- NYAC
- OSCARVILLE
- TOKSOOK BAY
- TULUKSAK
- TUNTUTULIAK
- TUNUNAK

Memo re: Guide Licensing Study

The committee's efforts then focused on Nunivak and Nelson Islands, to review the effects of the musk ox herds on local residents.

The final report of the Guide Licensing Committee contains a thoroughly documented chronology of events leading to the establishment of a permit hunt for musk ox, and how the residents of Nunivak Island have participated in those hunts. A brief synopsis of significant events is appended to this summary.

The report's findings may be summarized as follows:

- Residents of Nelson Island have been unequivocal in their opposition to the institution of permit hunts for musk ox. Native land ownership patterns on Nelson Island could effectively preclude such a hunt even if one were established, but the management policy adopted by the Board of Game in 1976 does accord village wishes considerable respect. Due to the limited food resources on the island, residents have indicated a desire to harvest musk oxen for food.
- Unlike the residents of Nelson Island, Nunivak Islanders support the permit hunt for musk ox. This support is based on the abundance of alternative subsistence resources available on the island, the economic benefits of the biannual hunt, and a cultural orientation that is more comfortable with the intrusion of non-Natives into the area.

Memo re: Guide Licensing Study

- Acrimony on the part of Mekoryuk residents towards the guide from Fairbanks who contracts for many of the permit hunts is considerable. The lack of coordination between ADF&G, the U.S. Fish and Wildlife Service, the Game Board and other entities involved prior to the establishment of the hunt is the basis for the ill-feeling. The tension caused by a years'-long chain of misunderstandings and misrepresentations will not abate quickly.
- A system of local control over the permit hunts, coupled with a probationary period before being licensed as a registered guide, would have encouraged higher performance standards by Native guides than have been attained under the present system.
- A separate "special outfitter" guide classification, such as allowed in Montana statutes (RCM 87-4-129), allows the holder to contract for particular services in limited locations. Careful review of Alaska's practice of granting exclusive guiding areas would be necessary to determine the feasibility of this proposal.
- A subsistence hunt for both bulls and cows on Nelson Island would enable residents to obtain a needed supply of fresh meat and would enhance management efforts. The \$500. resident tag fee for either sex is a major impediment to the initiation of a cow hunt. Local residents cannot afford the fee, and sport hunters balk at spending the several thousand dollars in

Memo re: Guide Licensing Study

tage, travel and associated costs to harvest an animal of less than trophy quality.

- Passage of HB 167, which would allow an open season for subsistence hunting of musk ox on the basis of a permit drawing in the local villages, is recommended. The bill also waives the game tag fee for such hunts.

Both Representative Fuller and I have complete copies of the final report and all other documentation regarding the interim study in our files. If you or any members of the Legislative Council would like copies of these materials, please contact one of us.

Thank you.

INDIAN REORGANIZATION ACT COUNCIL

NUNIVAK ISLAND

MEKORYUK, ALASKA 99630

PAST PRESIDENTS

MOSES NAYIRUK
PETER L. SMITH
TOM DOTOMAIN
JESSE MOSES
WALTER AMOS

PAST PRESIDENTS

GEORGE K. WHITMAN, SR.
EDWARD J. SHAVINGS, SR.
GEORGE KING, SR.
HENRY J. SHAVINGS, SR.
JOSEPH DAVID, SR.

RESOLUTION #

79-01

WHEREAS, Village of Mekoryuk has big game hunting (musk-ox, walrus) and

WHEREAS, There are no guides required by law for residents of Alaska to hunt: and

WHEREAS, Only few non-residents come to hunt: and

WHEREAS, There is local registered guide that can co-sign contract for non-resident hunters: and

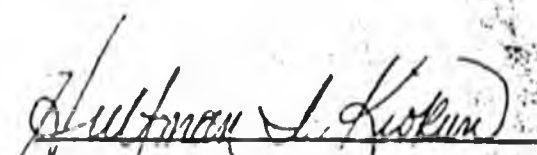
WHEREAS, The master guide working is not keeping his word in spring of 1979, as far as helping assistant guides to obtain credit for their registered guide licenses; and

WHEREAS, He has shown disrespect to the native village of Mekoryuk in a public meeting: and

THEREFORE BE IT RESOLVED, that said guide board and involved agencies take necessary action and comply with the request of Native Village of Mekoryuk; and

THEREFORE BE IT FURTHER RESOLVED, That the resolution 79-12-01 submitted by AVCP to the Governor of Alaska, regarding exclusive guiding rights for Nunivak Islanders be adhered to.


CHAIRMAN, IRA


SECRETARY/TREASURER

March 19, 1979

Date

DECISIONS
3-27-79

...e, the people of Mekoryuk, petition the State of Alaska, guide board, the legislature and other agencies involved to remove Lynn Castle, master guide, from Nunivak Island and its surrounding waters for being an undesirable in our community. Said person has showed no respect for the citizens of Nunivak Island in the business sense and has created hard feelings among the citizens of Nunivak. Neither does he keep his business promises. We would like to include all of the outsider guides from Alaska, that conduct hunts here on Nunivak Island. The citizens would like to conduct their own hunts. The people are also petitioning the state of Alaska to work out a viable solution to solve existing problem of guiding since it is now an impossibility to obtain a guide license with the present situation. The men were licensed without required apprenticeship time as the animal involved, in this case is the musk-ox and was politically oriented. The people of Nunivak feel that the musk-ox hunts were initiated for the benefits of all not just a couple of persons, and since these licenses were issued for purpose to hunt on Nunivak Only, which is game management unit eighteen (18) with the present law it is required that an assistant guide take out or help with at least two (2) clients per year and some here have not taken anyone out inside the required time. The men are grateful of the guide board to have issued the licenses but are unable to utilize same.

NAME	OCCUPATION	HOME ADDRESS
Lee L. Lane	---	11740
D. D. Dand	Asst Guide	Mya
William K.	Headman	Mya
Fulton J. Kupper	Project Director 183 60001	Mya
Lane K.	Asst Guide	Michayak
Edwin Bluthin	---	Mya
Larry Fleet	Asst. Guide	Mya
Jack W. Williams	Asst Guide	Michayak
Martin C. Kupper	Clery Treasurer	Mekarepak,
Samuel Smith	Vice Mayor	Michayak
Paul Don	Asst Guide	Mekoryuk,

NAME

OCCUPATION

HOME ADDRESS

NAME	OCCUPATION	HOME ADDRESS
James Whitman	---	Mekoryuk
Moses M. Whitman, L. Whitman	---	Mekoryuk Mekoryuk
Ed Shavins, L.	---	Mekoryuk
Alvin Henderson	---	Mekoryuk
Ismael G. Smith	---	Myra
Terry G. Harris	(assistant) Class A Guide	Mekoryuk, Alaska 99630
Richard Davis	Class A Guide	Mekoryuk Alaska 99630
Jerry Howell	Class A Guide	Mekoryuk Alaska 99630
John P. Jones	---	1777 Mekoryuk 99630
Abe David	---	Mekoryuk 99630
^{Alman} Terry Weston	---	Mekoryuk
Robert Kelenk	---	111
Jack F. Fable	---	111
JOSE WESTON	Asst Guide	Mekoryuk
Linda Weston	---	"
Don Whitman	Asst Guide	"

STATE OF ALASKA

JAY S. HAMMOGD, GOVERNOR

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D - BUREAU 2511

October 26, 1979

Mr. Edward J. Shavings, Sr.
P.O.Box 31
Mekoryuk, Alaska 99630

Dear Ed:

I just got back to Alaska and have had a chance to read your letter of Sept. 26, addressed to Mr. Bellingar.

I called Mekoryuk Wednesday and talked to a chap by the name of Joe who said that you were not available. I relayed the message to him to have you contact Mr. Bellingar's office if you wanted to be heard on the musk ox hunt at our December 1st meeting in Anchorage.

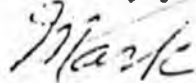
Last winter petition from the village was sent to me in regard to Lynn Castle's guiding on the island. Lynn Castle has a very good reputation as a guide and outfitter and I was sorry to see that a complaint would be filed against him by the village.

The Guide Licensing and Control Board is anxious to hear testimony from both sides when problems arise. If it is impossible to attend the December meeting I might say that we will have a spring meeting, sometime in March, in either Anchorage or Fairbanks.

Mr. Bellingar's phone number in Anchorage is 264-5675, if you would like to call him.

With kindest regards,

Sincerely yours,



Marcus F. Jensen, Chairman
Guide Licensing and Control Board

cc: Board members
Lynn Castle
Wm. Bellingar, F & G.
Representative Philip Guy

Chronology of events

Nunivak Island Musk Oxen Herd

- 1927 The Territorial Legislature asks Congress for funds to re-establish the musk oxen in Alaska.
- 1929 President Hoover withdraws Nunivak Island as a wildlife refuge. No comment or input was sought from the island's residents.
- 1930 Congress appropriates \$40,000 for the musk oxen project. 34 animals were captured in Greenland and brought to Alaska, where they are held in Fairbanks.
- 1935 Two bulls and two cows were moved to Nunivak Island.
- 1936 The other musk oxen in Fairbanks were moved to Nunivak Island.
- 1962 A cooperative management agreement was signed between U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game regarding musk oxen describing herd uses:
- 1) transplant programs
 - 2) domestication programs
 - 3) public permit and/or subsistence hunting to take place when herd size reached 500 animals.
- 1968 ADF&G Commissioner Nelson writes to Governor Hickel "it should also be noted that this hunt could be of important economic benefit to the Eskimo people of Nunivak Island. They could provide housing, food, transportation and guiding services."
- 1968/
1973 Each year the Board of Game recommends institution of bull musk oxen hunt, but recommendation is vetoed either by the state or federal authorities.
- 1968/
1971 Date uncertain. First petition from Mekoryuk villagers supporting the establishment of a sport hunt received by the state government.
- 1969 Alaska Legislature enacts AS 16.05.345, authorizing ADF&G to issue big game tags for musk oxen hunts authorized by the Board of Game.
- 1971 ADF&G Commissioner Noerenberg writes to Governor Egan "Natives of Nunivak Island have never voiced any desire to harvest musk oxen, but have petitioned the Board of Game to establish a sport hunting season. Guide fees, and money spent for food, lodging and native crafts by hunters would contribute much more to these peoples economy than just the value of the musk oxen meat, hides and other by-products."

- 1973 ADF&G publishes musk oxen management policy stating recreational use most important and that " the Department does not consider the taking of musk oxen primarily for food a wise use."
- 1973 ADF&G biologist travels to Mekoryuk touting economic benefits to be derived from village participation in sport hunts and encouraging villagers to send another petition. He gave instructions to villagers regarding the particulars of the petition--what to say, where to send, what to include in a cover letter to the Governor
- 1973 September 13, Governor Egan receives a petition signed by 68 Mekoryuk residents asking for the establishment of a sport hunt.
- 1975 The Board of Game passes two resolutions relating to musk oxen management.
- 1) opposing the transplant of 40 head to the Soviet Union, and;
 - 2) establishing a "Provisional Muskox Policy" which included a requirement that management proposals be submitted to affected residents for their input.
- 1975 Fish and Wildlife Service releases environmental impact statement which estimates the population of the Nunivak herd at 600 and promulgates regulations for a permit bull hunt. Regulations required that planes land in the village, but did not require employment of local guides or local purchase of food or lodging.
- 1975 ADF&G regional supervisor travels to Mekoryuk and meets with villagers about the hunt. He gives the impression that all participating hunters will be required to hire a resident to accompany them during the hunt.
- 1975 ADF&G regional supervisor meets with Guide Licensing Board to request special guiding permits under their authority to grant such under AS 8.54.045 for Mekoryuk residents. Guide Board denies request based on rationale that applicants had not been prevented from securing a registered guide license through the normal channels solely because of language difficulties, but rather because they did not have the requisite history as assistant guides.
- 1975 On the eve of the hunt, ADF&G regional supervisor travels to Mekoryuk with non-Native registered guide from Fairbanks who will run the hunt. Villagers are extremely unhappy, as for years state and federal officials and their own regional corporation had been encouraging support of sport musk oxen hunting for the economic and employment opportunities that would accrue to the residents of Nunivak Island.
- 1976 The Chairman of the Guide Licensing and Control Board meets with Mekoryuk villagers and accepts \$10. from each of the 40 men to enroll them as assistant guides, even though he is well aware that for that number to be employed 14 licensed guides would have to be guiding musk oxen hunts.

- 1976 The Mayor of Mekoryuk writes a letter following the fall hunt expressing dissatisfaction that so few residents were being employed as assistant guides, that those who were being employed were causing disruption in the village, and that meat was being wasted by the hunters.
- 1977 Prior to fall 1977 hunt, "without exception the hunters were extremely pleased with their hunting experience," according to the ADF&G biologist responsible for checking permit holders upon their return to Bethel. However, during the fall hunt the biologist noted that considerable dissatisfaction was expressed by hunters concerning the performance of the Native guides in the field. Most of the complaints involved field activities such as judging trophies, boning out meat, etc.
- 1977 FWS and ADF&G sign a new agreement for the management of the musk oxen herd:
- 1) herd to be maintained at 500 animals
 - 2) permit hunts to be reviewed annually by both agencies **
 - 3) permit hunting system to be developed jointly by both agencies
- **Review process has not taken place
- 1979 Only one licensed Native guide in Mekoryuk
- 1979 Musk oxen herd estimated at 572 animals. The cows are not hunted due to unsuitability as trophy animals (small size, small horns). Resident fee for either sex animal is \$500. Sport hunters are not willing to invest large sums of money for a cow hunt. The local residents are unable to afford the tag fee.

Alaska House of Representatives



COMMITTEE ON NATURAL RESOURCES
POUCH V • JUNEAU, ALASKA 99811

April 28, 1980

Alvin Osterback
Jensen
Board

Avrum M. Gross
Attorney General
State of Alaska
Pouch K
Juneau, AK 99811

Dear Attorney General Gross:

It has come to my attention that there appears to be a serious controversy brewing in the Guide Industry that may well require your attention. According to some registered Guide, the Guide Licensing and Control Board violated the "spirit," if not the intent of the law by granting Board Chairman, Marcus Jensen, exclusive guiding privileges in Southeast Alaska, along the outer coast of Chichagof Island. The action was taken at the February meeting of the Guide Board, held in Fairbanks, and recently reaffirmed by the Board on a 3-1 vote.

Since the Guide Board action, myself and other legislators have received numerous complaints from some Guides insisting that the action was unwarranted, unethical and perhaps illegal. I can readily understand jealousy and competition might be the motivating factor for these complaints, but it would seem that an investigation may well be appropriate to determine if there has been any wrong-doing.

I'm enclosing copies of letters which I have received that pertain to this matter. I feel that an investigation by the properly constituted legal authorities of the State of Alaska is in order. Thank you in advance.

Sincerely,

Alvin Osterback

Alvin Osterback
Chairman
House Resources Committee

Enclosures

AO:SS

CO-CHAIRMEN

REP. ALVIN OSTERBACK (468-3719) • REP. BILL MILES (468-3779)

VICE-CHAIRMAN

REP. FRED ZHAROFF

REP. PAT CARNEY • REP. C.V. "CHAT" CHATTERTON • REP. SAM COTTEN
REP. DICK ELIASON • REP. JACK FULLER • REP. RICK HALFORD

MARCUS F. JENSEN
P. O. BOX 2220
JUNEAU, ALASKA 99803

April 22, 1980

Representative Alvin Osterback
Alaska State Legislature
Resources Committee of the House of Representatives
Juneau, Alaska

Dear Representative Osterback:

I have just received copy of a letter sent to you by the Alaska Professional Hunters Association. I would be surprised if you would give credence to an unsigned letter. Unsigned letters are often from "mad letter writers".

The contents of the letter surprises me, as it would appear to have been written by someone who is not registered to guide in Unit 4, which is Southeastern Alaska.

Notification of the meeting in Fairbanks was handled the same way every meeting is handled when petitions are to be presented. All guides involved were sent a letter personally. Some of these guides answered by letter, and some testified in person.

I have guided in Unit 4 for over 30 years, and until last year the Southeastern guides honored their word in respect to not guiding in my particular area. The reason for their sudden change is the fact that the Game Board has a closure on what they call the "inside" and left the fringe on the "outside" open ten days longer. I have been very conservative in the number of contracts I take because of the public hunting pressure in the area as well.

No guide in Southeastern Alaska would object to my area if he would agree to an exclusive area for himself which would automatically reduce his number of contracts from eight or ten to three or four at the most. This is really what the controversy is all about. There has been too much guiding pressure on the "inside". Too many guides still have the attitude that they will shoot the last cub bear for a dollar. I am enclosing copy of a letter from the Game Biologist in Unit 4. He estimated at that time only 25 bear should be taken and since the guides and the public split the total take that would mean only 12 bear for the guides and their assistants. He has probably increased that 25 figure to 40 since the letter was written, which would allow in the neighborhood of 20 bear for the guides. The guides' success ratio for the number of contracts is very low - around 50%. If trophy bear were taken the percentage would be considerably lower than 50% because most of the takable bear have been shot.

To give you a better example of what is happening in Unit 4 I refer you to contracts of a guide named John Erickson. He had 10 hunters contracts in spring of 1979. Of those ten, four got no bear, and four took bear under five feet. I am enclosing some of the sealing certificates to give you an idea of what I mean. When the going rate for a hunt is four to five thousand dollars I think it behooves the guiding profession to give the hunter more chance for a trophy bear.

I do not think the action of the Guide Licensing and Control Board should be criticized for trying to save a small area from being totally raped. The petitions that guides from Unit 4 are putting in now will be handled in an orderly manner by the staff and the Board.

Representative Alvin Osterback

Page 2

As chairman of the Guide Licensing and Control Board, and as an Alaska resident for over 50 years, and as a registered guide for some 35 years, I have been criticized by some guides for my strong stand against guides who want to rape the game resources. A stand like this doesn't necessarily make everyone love you. A situation happened last spring where two guides took over 30 grizzlies in Unit 23. I was very upset over this and wanted to bring the guides before our Board for a hearing. I am now in the process of scheduling a meeting with the Kotzebue Native Corporation on this subject of game resource. I have made every effort to work with the Natives and intend to continue to do so in the future. Some guides criticize me for this.

I would hope that the House Resource Committee appreciate what most of our Board members are trying to do for the State of Alaska, and that is weed out the "bandits" who are raping our resource, and develop exclusive guide areas for the protection of the resource and improved game management.

Respectfully yours,


A handwritten signature in cursive script that reads "Mark Jensen". The signature is written in dark ink and is centered below the typed name.

Marcus F. Jensen, Master Guide



Clark Engle
4129 Lana Court
Anchorage, Alaska 99504
Phone (907) 333-5214

May 2, 1980



Jay S. Hammond, Governor
Capitol Building
Juneau, Alaska 99811

Dear Jay,

In reference to the problems of Guide License and Control Board in the last month, I reluctantly feel I must put my thought on paper to you.

It was quite a shock to see the Senate not wish to continue the Guide License and Control Board under the sunset review. I guess it should not have been, politics being politics, but after being on the Board for seven (7) years and attempting to get some sensible regulation through to protect the industry and the people of the state, I find all was for naught. As I said it was quite a shock to find I apparently did everything wrong for seven (7) years or was it that the Board did not bow to political powers in Juneau or was it, we did not bow to native interest over and above the white man's interest or was it internal problems?

I don't know the answers to these questions, possibly it's a combination of all. However, I do know one thing and that is, we must at all cost, continue the guide law, guide area and the guide Board. If any or all three of these are thrown out the chaos will destroy a still viable industry.

I have had twenty or thirty phone calls a day since the Senate took action and all but one was against doing away with the Guide Board. One other point I learned, in the vote of the Senate, four (4) Senators voted negative, because they wished to remove the chairman of the Board, Marc Jensen. I can not buy that Marc is the basic problem. I believe they are using him as an excuse to sunset the Guide Board. You know Marc and I have many scars from the battles on this Board, some still healing from the last meeting. The Board, Marc, myself and every member on the Board have made mistakes, we are not fortunate enough to have a direct line to the Gods as some politication in Juneau apparently have.

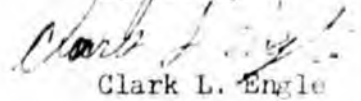
However, the mistakes the Board have made as a whole or individually are not irreversible. The action of the Senate could be irreversible if something isn't done quickly. Certainly the Senate action would abrogate the mistakes but it would also do away with a lot of the sound regulation needed to bring the guiding industry into prospective.

I can not emphasize enough the urgency in acting now on this matter. I suggest you remove all current members of the Board and replace them with new blood. I also encourage you to push as hard as possible to have the House pass legislation to continue the Guide Board.

With this done, the continuation of the Board will allow us to return to our prime concern and this is going hunting.

I appreciate all you have done in the past in backing the Board and its members and can only hope you extend that extra push now, that we all need so much.

Sincerely



Clark L. Engle

cc: Reps. Osterback
Halford
Miles
Chatterton
Tharoff
Carney
Cotton
Sens. Bradley
Bennett
Sumner
Hackney
Ray
Ferguson
Hohman
Sackett
Kerttula
Fahrenkamp
All Guide Board Members
William Billinger
Liza Fussner
Avrum M. Gross, Attorney General
Bandy Smith

BC-GUIDE INVESTIGATION; 450
JUNEAU (AP) - A STATE
LAWMAKER HAS ASKED THE ATTOR-
NEY GENERAL TO INVESTIGATE A DE-
CISION BY THE STATE GUIDE LI-
CENSING AND CONTROL BOARD TO
GRANT ITS CHAIRMAN AN EXCLUSIVE
GUIDING AREA.

REP. ALVIN OSTERBACK, D-SAND
POINT, WHO IS CO-CHAIRMAN OF
THE HOUSE RESOURCES COM-
MITTEE, SENT A LETTER TO ATTORNEY
GENERAL AVRUM GROSS ON MON-
DAY REQUESTING AN INVESTIGATION
TO DETERMINE IF THE BOARD VIO-
LATED EITHER THE INTENT OR THE
"SPIRIT" OF STATE LAW.

THE BOARD GRANTED CHAIRMAN
TARCUS JENSEN EXCLUSIVE GUID-
ING PRIVILEGES ALONG THE OUTER
COAST OF CHICHAGOF ISLAND, A
PRIME HUNTING AREA IN SOUTHEAST
ALASKA. THE BOARD TOOK THE AC-
TION AT A FEBRUARY MEETING IN
FAIRBANKS, AND RECENTLY REAFFIR-
MED THE DECISION.

IN HIS LETTER TO GROSS, OSTER-
BACK SAID HE AND OTHER LEGISLA-
TORS "HAVE RECEIVED NUMEROUS
COMPLAINTS FROM SOME GUIDES
INSISTING THAT THE ACTION WAS UN-
WARRANTED, UNETHICAL AND PER-
HAPS ILLEGAL."

OSTERBACK SAID HE CAN "READ-
ILY UNDERSTAND JEALOUSY AND
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VATING FACTOR FOR THESE COM-
PLAINTS, BUT IT WOULD SEEM THAT
AN INVESTIGATION MAY WELL BE
APPROPRIATE TO DETERMINE IF
THERE HAS BEEN ANY WRONG-
DOING."

OSTERBACK SAID HE RECEIVED A

PHIL DRIVER REQUESTING AN INVESTIGATION.

THE LETTER STATES THAT THE DECISION TO GIVE JENSEN AN EXCLUSIVE GUIDE AREA "COULD JEOPARDIZE A BASICALLY SOUND BOARD AND THE CONCEPT OF EXCLUSIVE GUIDE AREAS DEVELOPED OVER THE LAST SEVERAL YEARS."

DRIVER SAID THE "BOARD AND THE EXCLUSIVE OR JOINT-USE GUIDING AREAS HAS AND IS WORKING TO PROTECT ONE OF ALASKA'S MOST SIGNIFICANT NATURAL RENEWABLE RESOURCES; AND SHOULD BE CONTINUED."

BUT HE QUESTIONED WHETHER THE RIGHTS OF "OTHER JOINT PERMIT HOLDERS IN GAME MANAGEMENT UNIT 4 HAVE BEEN SAFEGUARDED AND CONSIDERED DURING DELIBERATION ON THE JENSEN DECISION."

JENSEN SAID HE HAS GUIDED IN UNIT 4; WHICH INCLUDES CHICAGO ISLAND; FOR MORE THAN 30 YEARS.

"UNTIL LAST YEAR THE SOUTHEASTERN GUIDES HONORED THEIR WORD IN RESPECT TO NOT GUIDING IN MY PARTICULAR AREA," JENSEN SAID IN A LETTER TO USTERBACK. "THE REASON FOR THEIR SUDDEN CHANGE IS THE FACT THAT THE GAME BOARD HAS A CLOSURE ON WHAT THEY CALL THE "INSIDE" AND LEFT THE FRINGE ON THE "OUTSIDE" OPEN 10 DAYS LONGER."

JENSEN SAID HE HAS "BEEN VERY CONSERVATIVE IN THE NUMBER OF CONTRACTS I TAKE BECAUSE OF THE PUBLIC HUNTING PRESSURE IN THE AREA AS WELL."

JENSEN SAID THE EXTENT OF HUNTING PRESSURE IN CERTAIN AREAS IS AT THE CENTER OF THE

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

EASTERN GUIDES HONORED THEIR
[REDACTED]
[REDACTED] AREA. JENSEN
[REDACTED] LETTER TO [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

CONTROVERSY.

"THERE HAS BEEN TOO MUCH
GUIDING PRESSURE ON THE 'IN-
SIDE.'" TOO MANY GUIDES STILL
HAVE THE ATTITUDE THAT THEY WILL
SHOOT THE LAST CUB BEAR FOR A
DOLLAR," JENSEN SAID. "I DO NOT
THINK THE ACTION OF THE GUIDE
LICENSING AND CONTROL BOARD
SHOULD BE CRITICIZED FOR TRYING
TO SAVE A SMALL AREA FROM
BEING TOTALLY RAPED."

--8888888

04-29-80 11.29APR . . .



Alaska

Professional Hunters Association, Inc.

P. O. BOX 4-1932
ANCHORAGE, ALASKA 99509

Phone (907) 243-3977

April 17, 1980

OFFICERS
PHIL DRIVER
President

KIRK GAY
Vice President

VERNON HUMBLE
Secretary/Treasurer

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KIRK GAY
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VERNON HUMBLE

EXECUTIVE SECRETARY
PAMELA R WILSON

Representative Alvin Osterback
Pouch V
Juneau, Alaska 99811

Dear Representative Osterback:

We have had a situation that came up during the recent Guide Board meeting that was held in Fairbanks, Alaska that may be worthy of some consideration by your committee in evaluating the conduct of the Board under Sunset review. These tapes and the transcript of the meeting should be available to your committee at the Department of Commerce.

Mark Jensen, the Chairman of the Guide Board, was awarded the only exclusive guide area in Units 1 thru 4 in Southeastern Alaska. The area awarded was the total outside coast of Chichasof Island. This was done over the objections of all Southeastern guides, who testified in person or by letter, who had joint use of this area. Their right to hunt this area has been taken away and given to one man without the consideration of the other twenty guides.

We would like to point out that APHA has no objection to Mr. Jensen having an exclusive guide area but it was the manner in which this was done. This was, in the eyes of the guiding industry, a flagrant abuse of power by the Chairman to serve his own personal financial interests.

APHA believes that this action by the Board should be revoked and an opportunity given to all guides in Southeastern Alaska to apply to the Board for an exclusive area.

The next Guide Board meeting should be held in Juneau, not in Fairbanks, so that all petitions to be considered would allow maximum participation by the Southeastern guides.

Sincerely,

THE BOARD OF APHA

P.S. IT is interesting to note that the only Board Member, who could see how unfair this action was and voted against it was a full-time guide. We believe at least three full-time guides should be on the Board.

cc: TO ALL GUIDE LICENSING AND CONTROL BOARD MEMBERS

PLEGGED FAIR CHASE

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D - JUNEAU 55311

April 28, 1980

TO WHOM IT MAY CONCERN:

Attached hereto you will find a letter from Karl Lane, addressed to the Guide Licensing & Control Board to be used at our February meeting in Juneau, on Unit 4. I regret to say that this letter was misplaced and was not read at that meeting.

I have known Karl Lane for many years, I have worked on his boat and I have a great deal of respect for the man himself, and his operation as a guide. It is unfortunate that open friction developed on my request for a small area.

Karl's letter shows a great deal of understanding and foresight in the changes that are about to occur in this area. The constant change creates problems for the guiding industry. Conditions will not improve - they will gradually deteriorate. The exclusive guide area has been very effective in the Interior of Alaska, where most all guides are satisfied that it is the best approach. I would hope that the Board and the guides will develop some of the thoughts in Karl's letter and bring them to a conclusion.

Sincerely yours,



Marcus F. Jensen, Chairman
Guide Licensing & Control Board

PS. A REMINDER! September 1 is the deadline for filing applications for areas! MJ.

Karl E. Lane

REGISTERED MASTER GUIDE & OUTFITTER

February 5, 1980

P.O. Box 295
Juneau, Alaska 99802
907-586-3822

Guide Licensing and Control Board
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811

Gentlemen:

Although I will not be present to give oral testimony at the Feb. 13th thru 16th meeting of the Guide Board, I wish to assure you that I am still deeply concerned about the problems and future of brown bear guiding in Southeast Alaska and offer the following written testimony for consideration.

Somehow there must be found a way to reduce the guiding pressure by cutting down the number of active guides and also closing the loopholes that permit guides licensed for the area to sign contracts for guides not licensed for the area. This is being done by a few guides at the present time and it could allow an unlimited number to operate in Unit 4 and defeat any conservation measure you pass.

I would be in favor of exclusive areas if there is a proviso allowing Joint-Use if the individual guides so wish. The reason being that there is no fair way of dividing a country that is already split by different opening and closing dates for conservation reasons. There is also the problem of constant changing development in the logging industry. For example, the northern, eastern and southern coastlines of Chichagof Island will have intensive road building in '81 and full scale logging in '82. This will eliminate most of Chichagof. The northeast portion of Baranof will have the same development.

I would not be in favor of an exclusive area being transferred for any monetary value. If exclusive areas are issued to guides, they should be passed on to next qualified guide when the guide holding the area is not active for more than one season. The price of limited entry fishing permits are unfair.

If you are successful in limiting the guides to around ten or so, I have even been thinking of the possibility of cutting this number in half by guiding alternate years. For example, if you still had eight or ten guides which is still too many in my estimation, four or five guides with their clients would easily take one half of the quota of bears that the Game has set and the other half would surely be taken by the increase of resident hunting effort. A guided hunting trip would again have some quality and the bears would have a better chance of recovering.

Sincerely,
Karl Lane
Karl Lane

STATE OF ALASKA

DEPARTMENT OF FISH & GAME

JAY S. HAMMOND, Governor

P.O. Box 499
Sitka, AK 99835

April 9, 1979

Mr. Marcus Jensen
P.O. Box 2220
Juneau, AK 99803

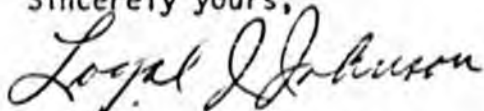
Dear Marc:

The Alaska Board of Game has now met and taken action on the Unit 4 brown bear situation. I am writing you at this earliest possible moment so that you can adjust your schedule to conform to the Board's action.

The Board adopted a substantially shortened season which will go into effect at the start of the new regulatory year, July 1. The season the Board adopted is as follows: September 15-May 20 for Admiralty and the east side of Baranof and Chichagof and September 15-May 31 for the west side of Baranof and Chichagof. The line of division between east and west Baranof and Chichagof is shown on the enclosed map. To eliminate the possibility of an excessive harvest this coming spring season, the Board has directed the Commissioner of the Department of Fish and Game to adopt an Emergency Order, effective immediately, which implements the season outlined above. Therefore, the closing date for this spring season, 1979, will end May 20 for Admiralty and the eastern side of Baranof and Chichagof and May 31 for the western side of Baranof and Chichagof.

The Board has also directed the Department of Fish and Game to closely monitor hunting during the spring 1979 season; and if it appears the kill will exceed 25 bears on Admiralty, east Baranof, and east Chichagof, the Commissioner will close the season in these areas by Field Announcement. The season on west Baranof and west Chichagof will remain open until May 31.

Sincerely yours,



Loyal J. Johnson
Area Game Biologist

Enclosure

Mr. Marcus F. Jensen
Registered And Master Guide
Box 2220
Juneau, Alaska

15 February 1980
Juneau, Alaska

Dear Mark:

Sometimes people are apt to forget that when a person takes on a public chore and serves gratis, he doesn't give up his individual rights. Following the action of the Guide Licensing and Control Board this past week while it was reexamining the status of Unit #4 concerning Brown Bear and Exclusive and Joint Usage Guiding Areas, you no doubt are wondering if you'll ever get what you, like other guides, set out to get--an Exclusive Guiding Area, which is what you have wanted all along. I want it to be a matter of record that you put in for an EGA at the onset. Most of the guides in the Panhandle (the preponderance of whom in no way had "rights" that would measure up to yours) opted for joint usage in Units 1-4. You regretfully went along with the rest, at the Board's insistence. Later, long before this recent reexamination, you again requested your EGA. The Board, still trying to make the collective Joint Usage work, felt you should withdraw the second request. It was not accepted.

This past week as the Board learned that there is a growing pressure on a fairly static resource (Brown Bear) but decided to maintain the status quo, it also learned that not all the guides who agreed at the initial meeting on this subject to respect your area of operations were doing so. The Board, therefore, encouraged you to again petition for your EGA, and the guides present pretty well agreed that they would have no objection to your doing so. There was general recognition that your rights, based on the criteria the Board has shaped over time, are on or are very close to the very foundation stone.

Times and circumstances change, as does makeup of various organizations. Memory falters and fades. I feel that because of all these factors I should put together this brief summary inasmuch as I have attended all meetings on this subject as it touches Units 1-4, and wish you well.

Fraternally,
Charles J. Keim
Charles J. Keim
Member, GL&CB

(For Stamp Use Only)

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME

Hide 48623 TENAKEE 5-19-79
(Seal Numbers) (Place of Sealing) (Date of Sealing)

Skull 48624 CERTIFICATE NUMBER 36105

SPECIES	*SEX	SEX IDENTIFIERS
Brown Grizzly <u>X</u>	Male <u>X</u>	Penis Sheath <u>X</u>
Polar _____	Female _____	Vaginal Orifice _____
	Unknown _____	Teats: L _____ M _____ S _____
		None _____
SKULL	HIDE	SPECIMENS COLLECTED
Length <u>10 1/8</u> in.	Length <u>3</u> ft <u>8</u> in.	Tooth <u>X</u>
Width <u>5 1/8</u> in.	Width <u>5</u> ft <u>0</u> in.	Skull _____
Total _____ in.	Total _____ ft _____ in.	Repro _____
C.B.L. <u>10 2/8</u> in.	Rubbed _____	Cem. Age _____
	Unrubbed <u>X</u>	

TRANSPORTATION USED	
Aircraft _____	Days Hunted <u>6</u> *Date of Kill <u>5-16-79</u>
Off road Vehicle _____	*Location of Kill: Unit <u>4</u> Sub Unit _____
Boat <u>X</u>	<u>CHICHAGO OF IS.</u>
Snowmachine _____	Mt. Range and Drainage <u>TENAKEE INLET</u>
Dog Team _____	Specific Location <u>HEAD OF INLET</u>
Horse _____	
Other _____	

Name of Hunter JOHN W. RINEHART
P.O. Box 104 HILLSDALE WY. 82060
(Address) (City) (State)

License No.	Tag No.	Guided Hunt
Resident _____		Yes <u>X</u> No _____
Non-Resident <u>029785</u>	<u>357</u>	Guides Name <u>ERICKSON</u>

44
3/8

Signature of Hunter [Signature] (Sealed by) [Signature]

Remarks _____

Code _____

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*MUST BE FILLED OUT