

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5013 HRES SB 191 (FILE 1)

585



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 468-3715

Representative Adelheid Herrmann, co-Chair - 465-4942 *ah*
Representative Sam Cotten, co-Chair - 465-3715 *sc*

Committee Schedule April 25 -30, 1988

Monday, April 25, 1988

8:00 - 10:00 a.m., Capitol 124

Mariculture Briefing by State on Market Study

Confirmation Hearing: Robert Lochman, Board of Fish

HB 393 Unauthorized Release of Farm Animals

HB 395 Fur Animal Collection Permits

SB 397 Obstructing or Hindering Hunting/Fishing

Bills Previously Heard in Committee

Tuesday, April 26, 1988

8:00 - 10:00 a.m., Capitol 124

SB 112 Forest Management Agreements
(Work Session)

* SB 431 Establishing AK Cartographic Center

SB 41 Purchase of Cabins on State Land

Bills Previously Heard in Committee

Wednesday, April 27, 1988

8:00 - 10:00 a.m., Capitol 124

* SB 472 Lease and Sale of Matanuska Maid Creamery

* SB 206 APA; Bonding Authority/Project
Exemptions

* SB 248 Interest Rates/State Land Sale Contracts

* SCR 42 Supporting Mini-Module Production

Bills Previously Heard in Committee

Thursday, April 28, 1988
8:00 - 10:00 a.m., Capitol 124

* SB 191 Guide Board; Big Game Guiding
(Work Session)

Bills Previously Heard in Committee

Friday, April 29, 1988
8:00 - 10:00 a.m., Capitol 124

SB 191 Guide Board; Big Game Guiding (Work Session)
Statewide Listen-in Teleconference, public testimony
if time allows

Bills Previously Heard in Committee

Saturday, April 30, 1988
1:00 - 3:00 p.m., Capitol 124

SB 191 Guide Board; Big Game Guiding (Work Session)
Statewide Teleconference Public Testimony

4-28-88/20
4 more off net
total 23
3 subjects

via cr

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

APR 13 1988

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

April 19, 1988

SUBJECT: Impairment of the obligation of
contracts (CSSB 191(Finance) am)

TO: Senator Ken Fanning

FROM: Edward H. Hein *EHA*
Legislative Counsel

You have asked for a brief explanation of the constitutional prohibition on the impairment of contracts and how it applies to amendment #3 to CSSB 191 (Finance).

The Contracts Clause is found in Article I, section 10 of the United States Constitution, which reads: "No state shall . . . pass any . . . law impairing the obligation of contracts. . . ." This language is mimicked in Article I, section 15 of the Alaska Constitution, which states "No law impairing the obligation of contracts . . . shall be passed."

The Contract Clause of the United States Constitution, in general, prevents the states from passing any legislation that would alleviate the commitments of one party to a contract or make enforcement of the contract unreasonably difficult. The primary intent behind the drafting of the clause was to prohibit states from adopting laws that would interfere with the contractual arrangements between private citizens. Specifically, the drafters intended to inhibit the ability of state legislatures to enact debtor relief laws. Those who attended the Constitutional Convention recognized that banks and financiers required some assurance that their credit arrangements would not be abrogated by state legislatures. Although the framers of the Constitution believed the Contract Clause would have limited

Senator Ken Fanning
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application, the United States Supreme Court over the years has expanded its scope to protect property interests from unwarranted state regulation. Since the Great Depression of the 1930's, however, the court has sustained the great majority of state laws against attacks to their constitutionality under the Contract Clause. Rotunda, Nowak, and Young. Constitutional Law: Substance and Procedure, Sec. 15.8 (West, 1986).

State governments are not absolutely prohibited from modifying the obligations in private contracts (or public contracts, for that matter). As the United States Supreme Court stated in Allied Structural Steel Co. v. Spannaus, 57 L.Ed2d 727, 734, (1978): "It is the settled law of this court that the interdiction of statutes impairing the obligation of contracts does not prevent the State from exercising such powers as are vested in it for the promotion of the common weal, or are necessary for the general good of the public, though contracts previously entered into between individuals may thereby be affected. This power, which in its various ramifications is known as the police power, is an exercise of the sovereign right of the Government to protect the lives, health, morals, comfort and general welfare of the people, and is paramount to any rights under contracts between individuals." Citing Manigault v. Springs, 50 L.Ed. 274.

In determining whether a state law affecting an individual's ability to carry out obligations under contract is an improper impairment of contract, the court must go through a three-step analysis. First, the court must ask whether the state law has "operated as a substantial impairment of a contractual relationship." Second, if the law does constitute a substantial impairment, the court asks whether the state law is designed to promote a significant and legitimate public purpose. Third, the court asks whether the law is a reasonable and narrowly tailored means of promoting the significant public purpose identified in step two of the analysis. Spannaus, at 734 - 736; also see Rotunda, Sec. 15.8.

The Alaska Supreme Court has not interpreted the Contracts Clause. Because of the lack of guidance from our court, and because of the similarity of language in the state and federal clauses, it must be presumed that the legal analysis under both clauses is the same.

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Amendment #3 to CSSB 191 (Finance) was adopted by the Senate on April 15. The amendment changes the definition of "guiding" under AS 08.54.240(3). Under current law, guiding means "accompanying or directing a hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation, while the hunter or the person accompanying or directing the hunter spots, stalks, pursues, tracks, kills, or attempts to kill big game." The term "in the field" does not include being present in a boat with living quarters or at a lodge or base camp. The amendment broadens the scope of guiding to cover any "accompanying or being present with, or providing a personal service for, a big game hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation." The amendment specifically allows a person without a guide license to accompany a hunter in the field under four circumstances: (1) in a boat with living quarters; (2) at a lawfully established cabin or permanent lodge; (3) while providing transportation to or from the field; and (4) in a camp while attending the transporter's horses.

The first question in the analysis is whether this restriction on non-guides' activities is a substantial impairment of a contractual relationship. Clearly the amendment will affect the contractual relationships of outfitters who have agreed to provide clients with certain kinds of personal services in the field that are currently allowed under the statute. These would include any services provided in a base camp, such as cooking. Arguably, this is a substantial impairment in cases in which the outfitter's main service is setting up and maintaining a camp and providing all personal services in the camp while the hunters are in the field. On the other hand, the amendment does not restrict transportation services; providing quarters, meals and other personal services in a lawful cabin, permanent lodge, or a boat; renting equipment; or setting up a camp in the field before the hunters arrive. In addition, it must be recognized that most contracts are contingent on the seasons and bag limits set by the Board of Game, and subject to possible emergency closures by the board or commissioner. Thus, these contracts by their own terms are already subject to being impaired by regulatory action by the state. Therefore, a reasonable argument can be made that amendment #3 does not substantially impair the outfitters' contractual obligations and, therefore, does not violate the constitution.

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Even assuming that the amendment does represent a substantial impairment of contract, it is designed to promote a significant and legitimate public purpose. By restricting non-guides' access to hunting areas while accompanying hunters, the amendment serves to reduce the opportunities for outfitters to violate guiding and game laws. It also promotes the use of licensed guides, who generally are more qualified to protect the hunter's safety in the field. Given the difficulty of detecting guiding and game law violations in the field, the amendment appears reasonably calculated to achieve the legitimate goal of protecting both the game resources of the state and the hunters. It is narrowly tailored in that it does not prevent outfitters from providing services in the field or from continuing existing operations.

In light of all these considerations, it should be concluded that amendment #3 does not violate the Contracts Clause of the United States Constitution or of the Alaska Constitution. To conclude otherwise would be to allow outfitters by contract to frustrate the legislature's ability to expand the definition of guiding and to effectively regulate the guiding industry and manage game resources. The private interests at stake in this instance are outweighed by the state's interest in exercising its legitimate police powers for the protection of its game resources and for the safety of the public.

EHH:gc
WKG3:009



Alaska State Legislature

Senate

Official Business

April 22, 1988

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Rep. Adelheid Herrmann, Co-Chair
Rep. Sam Cotten, Co-Chair
House Committee on Resources

From: Senator Ken Fanning *KF*

Subject: SB 191 - Guide bill

Thank you for scheduling SB 191 in a most expeditious manner. You know, as I do, the urgency of addressing the guide/outfitter problem in a meaningful way this session. I appreciate your willingness to take up the bill and resolve the issue.

I believe the bill, as it left the Senate, is a good first step toward stopping the current uncontrolled commercial pressure on big game. However, with some simple but significant additions, the bill would be considerably strengthened.

The first suggestion is to prohibit the use of the term "outfitter" by anyone other than licensed master and registered guides. It has been well-documented that the use of this term by those who are not licensed to provide guided hunts has caused enormous confusion throughout the lower 48, because in other states and Canadian provinces, the outfitter is the one who holds that legal capability. Prospective hunters unwittingly sign up thinking they are contracting with licensed guides. Please refer to the testimony of Lew Pamplin for how hunters react when they become dissatisfied with the services they've paid for.

The second suggestion I would make is in the definition of "guide" or "guiding" in sec. 3, where "providing a camp" should be included as part of what guides do. So long as the unregulated operators are able to maintain camps in the field, they will be able to wholesale the state's big game. By removing that ability, their activities are further reduced by a diminished incentive.

Although other amendments might be proposed, the two I have attached would help to further tighten up the bill.

Thank you again for your quick action on SB 191. If I or my staff can be of any assistance, please call.

enclosure

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

On page 1, line 29, through page 2, line 1;

Delete all material, and insert in its place the following:

"(4) a person without a current valid registered or master guide license to advertise as or represent to be

(A) a guide; or

(B) an outfitter offering big game hunting services

[WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

On page 3, line 11, following the word, "providing",

Insert: "a camp or"

Opening weekend
Sept 1, 1987

ALASKAN

WILDERNESS OUTFITTING COMPANY

BOX 1516 • CORDOVA, ALASKA 99574

907-424-5552



February 19, 1986

Brian S. Nantais
P.O. Box 96
26364 Pine Avenue
Rimforest, California 92378

Dear Mr. Nantais,

Thank you for your letter and I am sorry to be so long in getting back to you, but I have been on the road working sport shows. There would be no problem in setting you up for a moose hunt in 1987--in fact, it is good to plan ahead as we already have parties talking about next year's hunts. Cow, bull or calf are all open in the area of our camp and you will have excellent chance for taking a black bear. It would be almost impossible to spend a week there and not shoot a moose with the availability of cow, bull or calf--or I would give you a 50-50 chance of four hunters each shooting a trophy bull of 55 inches or better. Moose season will start September 1st in 1987 and you will have six full days of hunting after flying into camp. Daylight at that time of year will usually be from 6:30 a.m. until almost 9:00 p.m..

Our moose camp is our only hunting camp that does not offer good fishing. We advise everyone to plan one extra day on the tail end of their trip in case of bad weather, so if you got out of camp on schedule you could spend a day salmon fishing out of Cordova.

The hunt costs \$995.00 per person for a party of four persons and as long as you are planning on others joining the two of you, you may base the deposit on that fare--making the deposit \$298.50 for each of you. This will hold the first week of the camp and we can adjust the rate later if others do not join you.

Please feel free to call or write again if you have any other questions. We still can be reached at 209-952-7595.

Sincerely yours,

Pat Magie, Managing Owner
ALASKAN WILDERNESS OUTFITTING COMPANY



FISHING
HUNTING

RAFTING
HIKING

TOURS
CABINS



September 29, 1987

Pat Maggie
Alaskan Wilderness Outfitting Co.
Box 1516
Cordova, Alaska 99574

Dear Mr. Maggie,

In January, 1985, I began talking with you about a moose hunt in Alaska. As I am sure you recall, there were several letters and numerous questions and concerns we had. Having been convinced that our needs would be met, we reserved opening weekend for 1987 and sent you a deposit on July 1, 1986. We met with your family members at the Anaheim Convention Center twice, sent several more letters and I'm sure asked the same questions several times. One thing we were especially concerned about was caring for the meat and butchering. You assured us on several occasions that was not a problem and that it would be taken care of, even quoting a price of 30 cents per pound.

One of our hunting party has his own airplane in Anchorage and the primary reason for using your service was to learn, having never hunted moose or in Alaska before. We are all experienced hunters, however, and do hunt all over the United States.

Our experience with Alaskan Wilderness Outfitting Co. was less than satisfactory. First, it appeared to us that we were not in a prime hunting area, recognizing the weather was not cooperative and it was hot. We felt as if we were a convenience for you to drop us where you did in route to and from your fishing camps. Your helpers rode the ATV for miles near the hunting area, then left the vehicle for us with a large hole in the rear tire and no pump, patch kit or tools. The boat had a leak where it had been patched previously, and several items on the supplies list were not included in the camp supplies.

Our real frustration came when it involved the game. We did manage to see two cows during the week and take both animals. The first was taken on Tuesday, August 25. Your note left at camp the same day said you would be back Wednesday, August 26, "about noon". We all waited from 10:00 a.m. until 3:30 p.m. and you never showed. Finally, about 4:30 p.m. one of your employees stopped by but couldn't take the meat as they were on their way to pick up people at the fish camp. On Thursday morning, the meat was picked up. Thursday afternoon we took the second animal. Friday afternoon the airplane could not take the meat because again they had to pick up people at the fish camp.

At that time, we were informed that there was no one in Cordova who could butcher our game. We were also told that you would be there at 8:30 a.m. Saturday morning to pick up the second animal and around 4:30 p.m. to pick us up and our gear. Everyone waited in camp all day until you showed up with the big airplane at 4:30 p.m. to take meat, gear and us in one trip. At that point, we felt we had lost two complete days of our trip in the field unnecessarily.

Upon arrival back in Cordova, we were told that still no one had been located who could butcher our game. On Sunday, August 30, there was still no change. You would not fly the meat to Anchorage, even when we requested, so we were forced to resolve the issue the best we could. We made three trips from Cordova to Anchorage in our private airplane between Sunday and Monday. We had to remove the seats from our plane Monday to bring the meat over. This was more than \$60.00 each trip for fuel. Second, we had to change our return flight home reservations from Cordova to Anchorage which was an additional \$72.00 each. Finally, we lost yet a third full day of our two week stay because of your lack of organization.

When we finally received our meat we lost several pounds due to maggots. Our finished product, including 270 pounds of burger and 100 pounds of sausage, was 654 pounds for the two animals.

Mr. Maggie, we feel that first we should have been given an opportunity to come on September 1, 1987, and hunt your "regular" moose camp. We were not given that choice. Second, we would have appreciated more counsel on how to hunt the area, browse, sign, etc., especially with the hot weather. We felt like all we received was lip service with no action. No instruction or helpful hints were expressed. All you said was "With this weather it will be weeks before anything is moving in this area" and also told us to position someone on a small hill near the camp every morning. We were not even told of the need for bug nets for our heads considering the weather. Third, we feel you should reimburse us for some of those unnecessary expenses such as \$180.00 fuel, \$288.00 additional airline tickets and \$107.00 for one night in a motel, etc. How do you place a dollar value on three days lost of a two week trip that had been planned for two years?

You draw an enormous amount of business from California through the Sports and R.V. shows, etc., Mr. Maggie. You have been in business a long time, as you told us, and handle upward of 300 clients per year, as you stated. We feel we have been dealt a disservice. Legally, we feel you did not meet your contractual obligations.

I speak for the four of us and challenge you to make things right. This type of service will destroy a good business.

Sincerely,



Brian S. Nantais
42635 Remora St.
Rancho California, CA 92390

BSN:cj

cc: Edward W. White
Donald R. Martin
Norman E. Stevens
Anaheim Convention Center
State of California Dept. of Corporations
State of California Secretary of State
State of Alaska Dept. of Fish and Game
H. Warner Buck Enterprises
Alaska Professional Hunters Assoc. Inc.

FROMTELEX NO: 147118
Answerback: HUNT REPORT NY

A MONTHLY NEWSLETTER

"SERVING THE HUNTER WH

Alaskan Trophy Hunting



DICK GUNLOGSON

PROFESSIONAL HUNTER
MASTER GUIDEBOX
193WILLOW, ALASKA
99888PHONE
(5-7) 495-6434DATELINE: ALASKA

(Editor Note: A big Alaska-Yukon moose is high on the list of many US and European Hunting Report subscribers. But where—and with whom—should you book a hunt? Here are some suggestions from Alaska correspondent, Clive Butler.)

Most people who know the Alaska hunting scene will tell you that trophy Alaska-Yukon moose exist throughout the state. However, some Game Management Units do have larger concentrations of moose. And more moose, obviously, means a better chance of nabbing a big bull. At present, moose populations in Interior Alaska are at low levels and either stable or increasing. Many populations in Northwest Alaska (units 22 and 23) and southcentral Alaska, however, are at high densities and stable or increasing. Here are my picks for the 1988 season: Guide **Bob Hannon** hunts some high-moose-density areas in Western Alaska and says a hunter has an above-average chance of taking a record-class moose with him. There's plenty of evidence to back up his claim. Western Alaska is a top producer of record-class moose. On the Seward Peninsula, Unit 22, biologists estimate a total population of 3,260 to 4,150 moose. The most popular areas include the Kuzitrin drainage, an area with good access and high harvest, and the Agiapuk drainage, an area with limited access and moderate harvest. The Kuzitrin area has a bull/cow ratio of 36 to 100. In the Agiapuk, the ratio hovers around 80 to 100, perhaps the highest in the state. I feel this latter is the best place in Alaska to bag a record-book moose. In Unit 23, the Kotzebue Sound area, there are

5,000 to 7,000 moose. Best hunting areas include the Buckland and Noatak River drainages, and Eli and Tagagawik rivers. Very high moose densities can also be found in Unit 24, especially in the Koyukuk drainage, where biologists estimate density to be 3.6 moose per square mile. A hunter who books with Hannon has the option of hunting in September or November for a trophy moose. "November offers a totally different moose-hunting experience," Hannon told *The Hunting Report*. "We go out on snowmachines and glass for moose along the riverbottoms. It's no problem locating moose. They're every-



where. It's a matter of holding back until you see a really large one." Hannon says trophy moose are also available in September, but are a bit harder to locate, because of thick foliage then. Nonetheless he does frequently take 60-plus inchers then. Overall, he takes numerous record-class and even record-book moose each year. Hannon points out to all would-be hunters that his snowmobile hunt is very different from most moose hunts. "The only time you get off the machine is when you're glassing or making a stalk," he says, adding that "may turn some hunters on and turn some off." The machines save

a lot of walking, but they don't mean the hunt is easy, he warns. "You should be in good shape for this hunt, and be prepared to ride long distances in the cold." . . . Another guide to consider is **Bill Fitzgerald**, who hunts the Talkeetna Mountains and the Alaska Range, both of which are known for their record-book moose. Fitzgerald has been hunting moose for 12 years, and has been 100 percent: "We took three bulls last year (the maximum number of moose he takes from his area per year), two of which went over 60 inches," Fitzgerald said. "One was the second-best moose I ever helped a client take. It measured 67 inches and scored 249 1/2 SCI. It was taken by a hunter from West Germany." The best moose Fitzgerald ever took was a 72-incher several years ago. "A 'trophy' moose is in the eye of the beholder," he said. "That 72-incher was quite ugly, if you ask me, but the client was happy with it." He says many of his clients are interested in moose that measure 55 to 60 inches, which are "average" animals in his area. "Plenty of them go 60 to 67 inches and have good baskets and palms, he says. Fitzgerald hunts moose in September, and at this writing had only one opening left in 1988. It was a 1x1 hunt, from spike camps. "Hunters who go with me should be in good physical condition," Fitzgerald warned. "We go where the moose are. I fly over the area before the season, and locate the big ones. That saves a lot of scouting, but it doesn't take the work out of my hunts." Another area that has been producing good numbers of bulls is the Mulchatna area. According to Doug Brewer, who arranges unguided, drop-off hunts, last year was one of

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"SERVING THE HUNTER WHO TRAVELS"

his best ever for big moose. "Our success rate was 71 percent for moose, and 93 percent for caribou," he said. "We took more than 140 caribou and 62 moose. Three of those moose qualified for Boone and Crockett, while one made it into Pope and Young." Brewer says more than half of the hunters he books want a "Super Cub hunt." This involves ferrying hunters to a large lake or river, where they are dropped off and taken one at a time to an alpine lake or air-strip away from other hunters. "I think the word is getting out that this is a much more successful way to hunt Alaska," Brewer says. His hunts are completely do-it-yourself affairs. He merely drops hunters off in an area, and picks them (and their meat) up for transportation back to civilization. Hunters must



know how to live and hunt in a wilderness, and how to bag the species they are hunting. Most of the hunting in Brewer's area is in high, alpine country or along riverbottoms. Both types of terrain require hunters to be in good condition. Significantly, the high alpine areas offer a chance for a black bear and caribou, as well as a moose. These are backpack-type hunts, and gear is limited to about 60 pounds per person. Ankle-fit hip boots are a must for both areas due to soggy patches of tundra and riverbottom. Brewer recommends seven to 10 days for one of these hunts, although there is no limit on the stay or extra charge for extra days. . . . Another do-it-yourself operator to consider is **Jim Kacur** of Frontier Flying Service. Ask him about Units 21A and 21E, with a bull/cow ratio of 47 to 100, and Unit 21D, where latest surveys indicate that densities along the Yukon River range

from 2.5 to 3.5 moose per square mile. Densities along the Koyukuk River range from 2.8 moose per square mile in the lower portion to four to six moose per square mile in the upper portion. . . . A final operator to consider is **Joe Klutsch** who hunts Unit 9E on the Alaska Peninsula, which historically has been a big producer of record-book moose. Klutsch has been hunting this area for years, and is one of the few guides who specializes in large moose here. His clients take several record-class moose annually. He also has one of the best record-book caribou areas in the state. Expect large expanses of flat, swampy terrain with dense thickets near riverbottoms. The area offers spectacular scenery of dormant volcanoes, cinder flats and tidal areas. The season on the Peninsula is subject to change, but usually takes place in September.—*Chris Batin.*

(Editor Note: The guides and operators mentioned in this report can be reached as follows: Bob Hannon, General Delivery, Koyuk, Alaska 99753. Tel. 907-963-3221; Bill Fitzgerald, Box 93, Talkeetna, Alaska 99676. Tel. 907-733-2566; Joe Klutsch, P.O. Box 313, King Salmon, Alaska 99613. Tel. 907-246-3030; Doug Brewer, Box 8553, NRB, Kenai, Alaska 99611. Tel. 907-776-5147; Jim Kacur, 3820 University Ave., Fairbanks, AK 99701. Tel. 907-474-0014.)

DATELINE: TEXAS

(Editor Note: A Texas hunting area we've never written about before is famed Palo Duro Canyon in the Panhandle. Correspondent Ray Sasser filed the gap this month with the following short report on the mule deer and aoudad hunting available there.)

With one notable exception, the Texas Panhandle is a flat, featureless plain. That exception is Palo Duro Canyon, southeast of Amarillo, where the Prairie Dog Town Fort of the Red River created a canyon that's as colorful and unusual as the name of the river that formed it. The canyon is a harsh and rugged 1,000 feet deep and eight miles across at its widest point. This area is home, however, to mule deer and the state's first and largest free-ranging herd of aoudad



"SERVING THE HUNTER WHO TRAVELS"

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Gordon Allen

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Production/Research Mgr., Ben Montanelli
Design by Victor Kosi

MEMORANDUM

State of Alaska

TO: Don McKnight
Acting Deputy Director
Division of Game
Juneau

DATE: April 11, 1988

FILE NO:

TELEPHONE NO: 267-2231

THRU:

SUBJECT: HB 183 (Resources)

FROM:

Lew Pamplin
Lew Pamplin
Director
Division of Game
Department of Fish and Game
Anchorage

Provided below is the testimony I gave on April 8, 1988 to House Resources on HB 183.

- My comments were similar to those given to the various Senate committees addressing this issue.
- ° The Guide License and Control Board should be retained and expanded as appropriate to provide a regulatory framework for commercial activities involving the harvest of game.
- ° We would be pleased to participate on an interim task force if one is established to evaluate the current situation.
- ° Big game guiding, air taxi operators, "outfitters," and others providing hunting services influence game management in certain areas and for some species (e.g., moose) by affecting hunter distribution and harvest in terms of the number of animals taken and the sex and age composition of populations.
- ° Increased access by using aircraft, boats, ATV's, and other means is affecting hunter success and hunting quality in some areas.
- ° It is important that the public, including nonresidents, clearly understand the different categories of commercial activities relating to hunting big game. We agree completely with the efforts to tighten-up on outfitters and others trying to exploit Alaska's big game, particularly those using false and misleading pretenses. There is no question that these activities are getting out-of-hand in certain areas (e.g., moose hunting in portions of Units 9, 19, 21, and 23).

- ° Although we do not have a "good handle" on the number of outfitters using most parts of the state, we do know that the number has increased substantially in the last 3 to 5 years. It is very difficult knowing how many people are providing these kinds of services since the only requirement is for a person to have a business license to operate as an outfitter.
- ° There are about 30 guides using Kodiak (i.e., Unit 8) and we know of at least 60 outfitters. In Unit 21, we know of one outfitter who has booked over 220 moose hunters into one subunit of that area; two years ago this person took only 10 to 15 hunters into the same area. In Unit 17, there are about 120 to 130 commercial operators including big game guides, fishing lodge owners, air transporters, and outfitters. We suspect that more than half of these operations are outfitter-related.
- ° If a task force is established, we recommend that it review what species should be added to the guide-required list for nonresident hunters. We do not agree that moose, caribou, and deer should be added to the list and are opposed to reporting requirements being placed on residents who may take nonresidents hunting (e.g., friend, relative). These requirements would be impractical, unenforceable, and an unnecessary burden on Alaska resident hunters. These requirements would probably result in a substantial decrease in nonresident license and tag fees going into the Fish and Game Fund.
- ° One possible solution to the current dilemma would be to simply make it unlawful for a person (a resident or nonresident) to take another person (a resident or nonresident) big game hunting for compensation or with an intent of an agreement for compensation unless the person is a guide.
- ° The rumors floating around that the Division of Game does not want to work with the Guide Board and is unwilling to provide information are not true. When requested in the past, we have provided information and assistance, and we will continue to do so. We do not believe that it would be appropriate for this department to have the responsibility for regulating guides. However, this does not mean that we don't want to assist the Guide Board.
- ° When asked what percentage of outfitters were non-residents, I took a "wild guess" that about 40 percent were nonresidents and 60 percent residents.

Rep. approved

- ° I made it clear that the increase in outfitting services is a serious problem in certain portions of the state and that it would get worse over time, unless something is done to control these activities.
- ° Page 2 of the bill, line 7, add or hunting after the word "camping."
- ° In line 7, the word "vehicle" needs to be defined. I suggested adding a section (C) in this paragraph and defining vehicle--"a vehicle includes such things as aircraft, pickup trucks, boats, rafts, and all terrain machines (i.e., ATV's)."

cc: Norman Cohen
Roland Shanks
Warren Wiley
Game Regional Supervisors

the state is either good or bad whether Alaska is organized, you know, doing things that are decent for the public and all that and when you have a lot of ambiguity or confusion, it leaves a bad taste in people's mouth which is not good for Alaska as a state.

TESTIMONY OF
LEW PAMPLIN
DIR. DIVISION OF
GAME, FISH &
SEN. RESOURCES
COMMITTEE
MARCH 2, 1988

And the other thing is back to the department's position is that when people go out, for example, and they read things in you know outdoor magazines or catalogs or this or that, and they see these advertisements in terms like outfitters used, or other terms, the impression they get is that they are actually dealing with is a master guide because, most states like Montana and other states, that is the term that is used to describe guide. What happens is they come to Alaska and think that is what they're getting. Well, they may not be getting that and so what do they do? The first thing they do is come to the Department of Fish and Game and raise all kinds of hell. We end up answering correspondence, doing this, doing that, and we're using state money to compensate for something that is unclear and, again, the people get the bad taste and it tarnishes our image - the state and the departments - since we have no control (over) any of that stuff.

J
J
A
L
L

Regarding the drafts dated 2/26/88, I have a few specific comments on that. Any reporting requirements that are placed on transporters or guides or anyone else involved in

Nota Page 2!!!

Alaska Adventure Planning

3605 Arctic Blvd. #2328, Anchorage, Alaska 99503

Phone: (907) 243-6374

January 14, 1988

North Star Aviation
P.O. Box 193
Willow, Alaska 99688

FEB 18 1988


Dear Sirs,

My name is Bruce Nelson, and I have started a new business called Alaska Adventure Planning. I will be planning all aspects of a self-guided trip in Alaska for hunters, fishermen, and other sportsmen. Most importantly I will be selecting a destination and booking any "bush flying".

Perhaps of most interest to flying services such as yourself is the fact that I am asking no commissions of any kind from you. My idea is to get an up-front fee from the client, thus assuring him that there is no bias on my part; I'm looking to find the best, safest, and most economical flying for them.

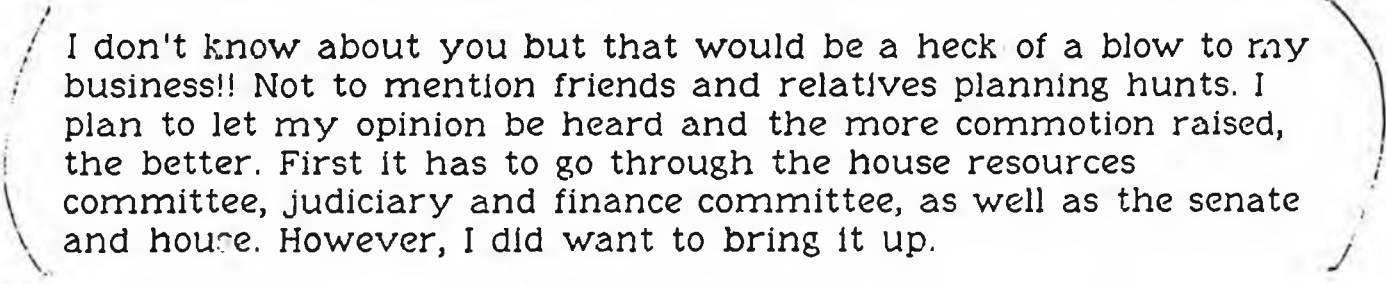
Hopefully this will work out well for all parties involved; I receive my fee, the hunter or fisherman gets a good trip planned, and the flying service gets "free advertising", and deals with people who are squared away on such things as what to pack, how to pack it, dealing with unavoidable flight delays, etc.

As time allows I would like to talk with you personally. In the meantime I would appreciate any brochures, rate schedules, or any other information you may already have printed up. Things I'd like to know are your experience, safety record, number and type of aircraft, capacity of each, float/gravel bar landing capabilities, areas you fly, packages you already have set up, (such as float trips), any outfitting you may do, past hunter/fisherman success, deposit policy, and insurance.

I'm advertising quite extensively in "Field and Stream", "Outdoor Life", "Petersen's Hunting", etc., and I hope to book about 300 people total this summer, so I could be sending quite a bit of business your way. 

One other point I'd like to make that you're no doubt aware of, and that's House Bill 331. The part of most concern to us is obviously Sec. 9. which reads, in part:

"A nonresident may not hunt, pursue, or take a moose, black bear, brown bear, grizzly bear, polar bear, goat, or sheep in the state, unless personally accompanied by a licensed master guide, registered guide, class A assistant guide, or assistant guide

I don't know about you but that would be a heck of a blow to my business!! Not to mention friends and relatives planning hunts. I plan to let my opinion be heard and the more commotion raised, the better. First it has to go through the house resources committee, judiciary and finance committee, as well as the senate and house. However, I did want to bring it up. 

Hope to be talking to you soon!

Sincerely,

Buck Nelson

Bruce L. "Buck" Nelson 

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

April 28, 1988

Hon. Adelheid Herrmann, Chair
House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Herrmann:

In response to your requests and in comment on CSSB 191 (Finance) am, I offer the following.

I. PREVENTING NON-RESIDENTS FROM BECOMING TRANSPORTERS

You asked me to explore legal ways to prevent nonresidents from becoming transporters.

At my last meeting with the committee, I explained our reasons for recommending against enforcement of the law which prevented non-residents from becoming registered guides. As you may recall, the Attorney General Opinion of October 29, 1986, stated that this law violates the privileges and immunities clause, Article 4, Section 2 of the U.S. Constitution. This is because the pursuit of a livelihood is a protected privilege under the privileges and immunities clause, and there is no substantial justification for this type of discrimination against nonresidents.

Any law which discriminates in the same way against persons who desire to become transporters would have the same weakness. There may be ways to distinguish the two groups without directly using the terms "resident/nonresident." But no matter how written, if the application of a law categorically and without substantial justification excludes persons from a vocation because of their residency, it would likely be found unconstitutional.

If the legislature decides to regulate transporters, it may establish qualifications based upon other criteria, for example, experience, skill, financial responsibility, and demonstrated knowledge of pertinent laws. Then the only constitutional requirement is that these qualifications be

reasonable and not arbitrary. (See discussion of substantive due process in Part II below.) I would be glad to assist you in developing such criteria.

II. PROPOSED AMENDMENT BY REPRESENTATIVE PEARCE

Representative Pearce asked me to comment on a proposed amendment which would prohibit transporters from providing services to nonresidents. The effect of this proposal would be to limit a transporter's business to only Alaska residents and to limit the access of nonresidents to all game species.

As I stated before the committee, this proposal is not jeopardized by the privileges and immunities clause. This is because recreational hunting has not been recognized as a protected privilege under this clause. Baldwin v. Montana Fish and Game Commission, 436 US 371 (1978).

Nevertheless, this proposal must meet other constitutional requirements, in particular, those of equal protection and substantive due process. These requirements call for an analysis which is similar to an analysis under the privileges and immunities clause. Lynden Transport, Inc. v. State, 532 P.2d 700 (Alaska 1975).

A. Equal Protection

The 14th Amendment of the U.S. Constitution and Article 1 of the Alaska Constitution guarantee citizens equal protection of the law. Equal protection analysis is appropriate whenever legislation creates "classifications," that is, whenever it treats people differently who may be similarly situated. At a minimum, the legislation must be (1) based on a legitimate public purpose (2) the classification must be reasonable, not arbitrary, and (3) the classification must rest upon some ground of difference which has a fair and substantial relationship to the object of the legislation. State v. Ostrosky, 667 P.2d 1184 (Alaska 1983).

Applying this analysis, Representative Pearce's proposal could conceivably be based on the "legitimate public purposes" of hunter safety, consumer protection, or the management and preservation of game resources. Her proposal intends to serve these purposes by distinguishing between nonresidents and residents and between transporters and others who provide services to hunters. Thus, the outcome depends on whether this double classification has a fair and substantial relationship to

these purposes. In other words, the final step in equal protection analysis is to ask whether it is reasonable for the legislature to attempt to promote hunter safety, consumer protection, or the preservation and management of game resources by prohibiting transporters from serving nonresidents, but not placing a similar restriction on other providers.

Concerning the first purpose, her proposal would survive if there is evidence that nonresidents in the hands of transporters constitute a greater hunter safety problem than nonresidents with guides, unaccompanied nonresidents, unaccompanied residents, residents with transporters, or residents with guides. Does the legislature know how many transporter clients are nonresidents and whether these persons are responsible for proportionately more hunter accidents than the other groups?

The same questions apply to the other purposes. Has the legislature any testimony, studies, or similar information that nonresidents are more often victims of consumer fraud by transporters than they are by guides, or than residents are by either transporters or guides? Is there evidence that nonresidents served by transporters are proportionately a greater threat to game resources than are nonresidents with guides, unaccompanied nonresidents, unaccompanied residents, or residents with either transporters or guides?

These are questions that a court would likely ask if this proposal is challenged on equal protection grounds. Unless the state has evidence that this classification reasonably serves at least one of these purposes, a court may find that the classification serves only the purpose of economically assisting one group over another. When a classification that serves only economic purposes is based upon residency, it has been struck down by our Supreme Court. Lynden Transport, Inc. v. State, 532 P.2d 700 (Alaska 1975).

B. Substantive Due Process

Under the Alaska Constitution, substantive due process is denied "when a legislative enactment has no reasonable relationship to a legitimate governmental purpose." Concerned Citizens of South Kenai Peninsula v. Kenai Peninsula Borough 527 P.2d 447, 452 (Alaska 1974). This constitutional guarantee assures that a legislature's actions are not arbitrary, but are instead based on some rational policy. Concerned Citizens, 527 P.2d at 452.

Although substantive due process does not examine the treatment of different classes, its approach is similar to that of equal protection. Because it uses a "reasonable means-to-end" approach, the analysis would be the same as above.

III. COMMENTS ON SECTION 2 OF CS FOR SB 191 (FINANCE) am

This section requires a transporter to have an air taxi commercial operator certificate under federal regulation 14 C.F.R. Part 135, but exempts a guide from the same requirement if the guide operates his or her aircraft under 14 C.F.R. Part 91 to the guide's exclusive or joint use area.

Regulations under Part 91 pertain to the operations of all aircraft pilots. Regulations under Part 135 place additional requirements on those pilots who carry passengers or property for compensation or hire in smaller aircraft. (Section 135.1(a)(3)).

Operating requirements under Part 135 are significantly greater than those under Part 91. According to the FAA, Part 135 operators must have either a commercial or an airline pilot license, must meet more stringent maintenance and equipment requirements, have stricter limitations on operating in inclement weather, have required rest and duty periods, and must undergo additional training requirements beyond those required for their licenses. Also, Part 135 pilots must maintain an operating base in the state and must comply with reoccurring proficiency, exam, and training requirements. For example, they must undergo a flight review either once or twice a year. In contrast, pilots operating under Part 91 must undergo this review every other year.

Section 2 makes a "classification" because it treats transporters and guides quite differently even though they may be similarly situated. Therefore, it also must pass the equal protection/substantive due process analyses. Again, the questions are, "What are the legitimate purposes of this legislation? Are the means chosen by the legislature reasonably related to these purposes?"

The FAA regulations deal with pilot proficiency, safe operation, and equipment standards. Presumably, then, the purpose of Section 2 is insure safe flights for the clients of guides and transporters.

Apparently, this section has been justified because proportionately more of a transporter's business consists of

providing transportation than that of a guide's. There is a belief that under the FAA regulations, the former would be required to have an air taxi certificate, but not the latter. Apparently, there is a belief that need for a 135 certificate is determined by whether business flying is "incidental" to the main service provided.

Another regulation, 14 C.F.R. 61.118, does speak about whether a flight is incidental to a pilot's business or employment. However, that regulation deals with what a person who holds a private pilot license may do. This regulation is not related to Part 135; the operative condition for an air taxi certificate is whether the pilot takes passengers or property for compensation or hire.

As a matter of practice, the Alaska office of the FAA does not categorically require transporters to hold air taxi certificates and allow guides to operate under private pilot licenses. The policy of that office is to examine each operator on a case-by-case basis, and only examine an operator if he or she comes to the office's attention by way of a report or complaint. An attorney for the FAA stated that under his interpretation of Part 135, both guides and transporters would be required to become air taxi operators.

The reasonable conclusion is that the distinction in Section 2 cannot be grounded on an interpretation of a federal regulation that speaks about proportion of flying or upon a federal policy that does not exist. Whether a provider's service has a greater or lesser flying component is irrelevant to the safety of that flying.

Thus, Section 2 must be justified by independent evidence that speaks to the public safety purpose. In the case of guides, perhaps this purpose is served because they will be exempted from Part 135 only if flying their own aircraft into country with which they are familiar. However, the requirements of 135 go well beyond such local knowledge. A court would ask how safety is furthered by requiring one group but not the other to hold a higher pilot license, to have more stringent equipment standards, to have more frequent FAA "check rides," to maintain a facility in Alaska, and so forth. Without a reasonable basis for this distinction, Section 2 would likely be struck down.

IV. COMMENTS ON SECTION 3 OF CS FOR SB 191 (FINANCE) am

Section 3 changes the definition of guiding so that certain non-guiding activities would be prohibited. With several exceptions, transporters would be prohibited from setting up and maintaining a camp, cooking in the camp, or performing other camp services while their clients are in the field.

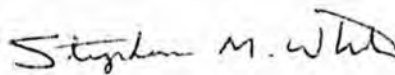
Because the bill has an immediate effective date, Section 3 would necessarily alter the commitments of any transporter who already had contracted to provide that type of service. Both the federal and the Alaska constitution prohibit laws "impairing the obligation of contracts." U.S. Constitution, Article I, Section 10, Alaska Constitution, Article I, Section 15. Thus, there is a question whether these "contract clauses" would prevent section 3 from taking immediate effect with respect to those earlier commitments.

I have concluded that the contract clauses would not prevent Section 3 from taking immediate effect. My analysis was similar to that provided by Legislative Counsel Ed Hein in his April 19th memo to Senator Fanning, and my conclusion was the same. Since this memo is available to your committee, I will not burden you with a redundant discussion of this issue.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By:



Stephen M. White
Assistant Attorney General

SW:jf:prm

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1988

SUBJECT: Constitutionality of air transport
 requirements under guide bill
 (CSSB 191(Fin) am)

TO: Senator Arliss Sturgulewski

FROM: Edward H. Hein EHH/LMB
 Legislative Counsel

You have asked for a brief discussion of whether the provisions in CSSB 191 (Finance) am, at page 2, lines 5 - 14, violate the equal protection clause of the state or federal constitutions. You asked that I assume as fact that guides engage in substantially less air transportation of clients than outfitters and others who provide big game hunting services; that air travel is only incidental to the business of guiding; and that the state's interest in making these requirements is public safety.

The provision in question makes it a class A misdemeanor for a person to fly a hunter to or from the field for compensation unless the pilot holds an FAA part 135 certificate. A licensed guide, however, may provide air transportation to a client in the guide's own plane, within the restricted area assigned to the guide or the guide's employer, without having a part 135 certificate if the aircraft is operated under part 91. A private pilot is authorized under federal regulations to operate under part 91 instead of part 135 if the flying is only incidental to the business or employment, and if the aircraft does not carry passengers or property for compensation or hire. 14 C.F.R. 61.118. The part 135 certificate, which applies to air taxi operators and commercial pilots, has more stringent requirements than part 91 with respect to qualifications, inspections, and safety.

Because this is an area of economic regulation, the courts would apply the lowest standard of equal protection scrutiny. Under the federal constitution, the test would be

Senator Arliss Stureulewski
Page 2
April 29, 1988

whether the different treatment of guides is rationally related to any conceivable legitimate state interest. Under the Alaska constitution, the test is whether the different treatment substantially furthers a legitimate state interest, and the interest and the means are balanced against the interest of the persons required to have the part 135 certificate.

Public safety is clearly a legitimate state interest, and attempting to protect it is a legitimate exercise of the state's police powers. Requiring guides, outfitters, and others who provide air transportation to big game hunters to comply with federal regulations designed to promote safety is rationally related to and substantially furthers the goal of public safety. The question is whether it is rational to require less of guides in certain circumstances than of other air transporters, or whether this different treatment substantially furthers the goal of protecting public safety.

Under your assumptions, guides are not similarly situated to air taxi operators, commercial pilots, and big game outfitters and transporters. Because guides transport substantially fewer passengers by air and because flying is only incidental to guiding, it can be argued that their flying operations pose substantially less of a risk to public safety. Therefore, imposing higher standards for nonguides is justified and is rationally related to and substantially furthers the state's interest in promoting public safety. The interest of nonguides in saving money and inconvenience by not having to obtain the more expensive and burdensome part 135 certificate is outweighed by the state's interest in promoting safety. Therefore, based on your assumptions, under both the federal and Alaska constitutions the provisions in question do not violate the equal protection clause.

If you have further questions about this matter, feel free to contact me at your convenience.

EHH:bb
b5/069

4/18

New SENATE LETTER OF INTENT

For

CSSB 191 (Finance)

It is the intent of the Legislature that the task force established under the provisions of SB 191 shall have full investigative powers to research and make recommendations.

Under the Alaska Constitution all fish and game resources are the common property of the people, managed by the state in trust for their use. The task force shall examine how the taking of Alaskan big game by nonresidents and aliens conforms with the needs of Alaskan hunters, and what would be the effects of adding additional species to the guide-required list.

Other states and Canadian provinces have experienced similar commercial hunting pressures and problems. The task force should obtain as much information about the problems these other jurisdictions have experienced, examine how they solved the problems, and recommend accordingly for Alaska.

The task force shall examine who can provide commercial hunting services in the field, and what role transporters, air taxi operators and gear providers should play in the provision of commercial hunting services.

The Alaska Supreme Court will soon decide Owsichuk vs. the State of Alaska dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision and recommend methods of accommodating the court's decision.

The task force shall work closely with the Department of Fish and Game to create a linkage between the commercial take of big game and game management.

The task force should examine all aspects of a head tax, the problems it had when it was in use in the past, and what would be the ramifications to game management if it was reinstated.

The task force should examine the licensing of transporters, and make recommendations as to whether such a system ought to be renewed, and, if so, under what conditions.

Senate Letter of Intent
For CS SB 191 (Fin) am
Page 2

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically, the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the Administrative Procedures Act. The task force shall also analyze the joint use concept and supporting agreements between guides in joint use areas as to whether these agreements are in the best interest of the state and commercial users. The task force shall also investigate whether there shall be one consistent policy for determining guide areas so that all areas are treated equally.

The guide system in Alaska is highly dependent on the restricted guide area concept for its success. The task force should examine all aspects of this system, and make recommendations pertaining to whether it is an open and accessible system, whether guides ought to be able to sell their areas, whether the state ought to lease areas or in some other manner establish a concessionaire approach to area management.

Senate adopted 4/19/88

RECEIVED APR 24 1988

Bud and Mike Branham's Adventure Unlimited

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ATC 191

Branham Adventure Travel
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Bud Branham
Hunting Conservation
Reservation Department

Rancho Vieo Desert

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April 26, 1988

Honorable Adelheid Herrmann
Alaska State Representative
Juneau, AK 99801

Dear Ms. Herrmann:

We have been following Senate Bill 191 since its inception last year and are more than pleased that it has passed the Senate even in its present form. As you are aware, I am sure, it is not strong enough nor is it defined enough to correct the problems that exist in the outfitting and guiding field. As you are also probably aware, I have been in this field for over 50 years and still am very active and zealous for Alaska, even though I am retired. My son, Mike, is, of course, very active in our business in Alaska and this bill affects us very much.

The Bill is now in the House Resources Committee and I want to urge you to try to get the bill scheduled and passed. If you can possibly do so strengthen the measures with regard to the so called "outfitters" and try to make sure that the rights and prerogatives of registered and master guides in Alaska are well protected. It is the only way the future of our wildlife resources will be adequately taken care of, for they are the representatives in the field and they are the ethical ones. I know because I have been in this business over half a century and certainly have had a great deal of experience in this field.

We will deeply appreciate your actions with regard to this bill and will monitor it all the way through. If we can help in any manner all you need do is ask.

With every good wish, we are,

Sincerely,

Adventure Unlimited
Bud & Mike Branham

cc: Senator Ken Fanning

BB:sw

'THE BEST IN THE SPORTING WORLD'

Member - Alaska and International Professional Hunters Association

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

DEAR ADELHEID HERRMANN,

I AM WRITING YOU THIS LETTER TO ASK FOR YOUR SUPPORT TO ALLOW ME TO CONTINUE MY PROFESSIONAL PHOTOGRAPHY BUSINESS. I AM AFRAID THE WORDING OF S.B. 191 "SECTION 3 AS 08.54.240(3)" WOULD MAKE MY OPERATION AN ILLEGAL ONE. MY SERVICE DOES REQUIRE ME TO BE IN THE FIELD TO VIDEO TAPE MY CLIENTS. I IN NO WAY ASSIST WITH THE SPOTTING, STALKING, PURSUIT, OR KILLING OF ANIMALS. AFTER THE SEASON, I HAVE A VIDEO PRODUCTION COMPANY PRODUCE MY MATERIAL INTO AN EDITED VERSION FOR COMMERCIAL SALES. HAVE A COMMERCIAL PHOTOGRAPHY BUSINESS LICENCE FOR THIS. I ALSO HAVE COMMERCIAL USERS PERMITS FROM THE NATIONAL PARK TO OPERATE IN THE PARKS PRESERVE AREA. I AM AN ALASKA RESIDENT, AND I HAVE THREE CHILDREN IN ANCHORAGE SCHOOLS. THE REVENUE I RECIEVE FROM THIS BUSINESS, SUPPORTS ME AND MY FAMILY, PLEASE DO NOT FORBID ME TO CONTINUE TO OPERATE MY BUSINESS. I AM NOT TRYING TO CREATE A LOOP HOLE FOR OUTFITTING. I CAN PROVE THAT I HAVE BEEN OPERATING IN GOOD FAITH IN THE PAST. AS ROBERT BOUTANG OF FISH AND GAME PROTECTION WILL TELL YOU, I AM AN HONEST OPERATOR. I HAVE NO DESIRE TO BREAK THE LAW. I KNOW THERE IS A PROBLEM WITH ILLEGAL GUIDING OPERATIONS, I DO NOT WISH TO ADD TO THE PROBLEM. PLEASE CONSIDER MY REQUEST. IF NEEDED I REQUEST THAT I MAY CONTINUE TO OPERATE BY A GRANDFATHER RIGHT. I AM SURE THERE ARE VERY FEW OPERATORS LIKE MYSELF THAT CAN PROVE PAST PRACTICE OF THIS SERVICE, BY A PAPER TRAIL. IF I HAVE MISINTERPRETATED THE MEANING OF THIS BILL PLEASE INFORM ME BY WRITING.

THANK YOU

LES KRANK

ALASKA BUSH ADVENTURES

610 W. 91 ST. AVE.

ANCHORAGE ALASKA

99515

Les Krank



Alaska State Legislature

Please enter into the record my testimony to the House Resources
committee name

committee on SB 191 , dated Apr 29 1988
bill/subject

The problem with the terminology "outfitting" is that it is a commonly accepted term in the hunting fraternity and is usually synonymous with "guide". A person trying to advertise as a "transporter" or "photographer" or any other terminology is unlikely to attract attention nor are they likely to book many hunting clients. The amendment to make an outfitter also a guide is a good one.

As to FAA part 135 - the FAA itself cannot require or whether guides offer flying service. Let the FAA worry about that but do regulate the transporters as they do other flying service as their main service. If they "do" not fly they won't be affected.

Signed: Philip L. Shoemaker

Testifier

Grizzly Skins of Alaska

Representing (Optional)

PO Box 876110, NASTILLA, AK 99687

Address

376-2234

Phone No.

DAVID L. LAZER

MASTER GUIDE
AND OUTFITTER

Hunting -- Fishing -- Photography



LAZER'S GUIDE SERVICE

STAR BUSH A BOX 887
PALMER, ALASKA 99645

907-743-4500

4-29-88

Dear Jan Faiker:

I thank you for returning a answer to my earlier letter. You sent me a copy of SB 191, dated 3-31-88. It only has 3 pages and deals only with the tusk force, which is fine. However I have another copy of SB-191 and it is 5 pages long! Page 3, line 9 to 23; "Sec. 3 AS 03.54.240(3) is repealed and reenacted to read:" etc.

Line 16 "(B) of a lawfully established cabin in permanent lodge" This is the killer to my income. It is illegal to build on Federal land; I use tent camps for my Base camp. Can you add the wording "Base camp". I get a \$100.00 permit each year from the Fed. Refuge manager, including a map of my outfitting area, showing Base camp. But I am not allowed to build any permanent structures. From the Base camp I then fly my unguided Caribou hunters up into the mts, drop them off on their own and return to base camp. This Base camp is about 100 miles S.E. of King Salmon.

Page 2

DAVID L. LAZER

MASTER GUIDE
AND OUTFITTER

Hunting -- Fishing -- Photography



LAZER'S GUIDE SERVICE

STARBUCK A. BOX 6877

FAIRBANKS, ALASKA 99708

907-765-4504

So you can see it would be impossible to return to King Salmon each night.

1. I agree with the task force ^{and} there are several guide Board members who shouldn't be on the Board!
2. 100% of my income comes from guiding - outfitting.
3. Figure out a way to stop the non-resident outfitting front.
4. Let F. & G. control the game harvest, it's their job. Guides, outfitters, Guide Board, legislators, task force are all jumping on the bad bandwagon to supposedly save the game. When in reality it's to strengthen the monopoly of a few big money guides with big exclusive areas, and eliminate the little business operators.
5. I've been guiding - outfitting for 20 years now. Yet with the stroke of your legislation you can eliminate half of my livelihood. I am 44 years old. I don't have another trade or livelihood.
6. How come you don't ever put anything in these bills to grant "grandfather rights"

DAVID L. LAZER
 MASTER GUIDE
 AND OUTFITTER

Hunting — Fishing — Photography



LAZER'S GUIDE SERVICE
 5147 HOLLIS A. BOE SQ.
 JUNEAU, ALASKA 99801
 907-586-1504

6 Cont.

You can change tomorrow but I can't change yesterday or the day before that or the last 20 years of my life which I've spent developing my business, clientele, experience in the guiding-outfitting field.

7. Page 5 Line # 14. * sec 8. "This act takes effect immediately under ss 01.10.070 (c). What about all the deposits from booked clients for this year and next, which I've spent paying bills, living, insurance etc. Must have been booked over a year in advance, the same would be true for vacation later a year in advance. Yet you can pass a law effective immediately?!

No warning, no grandfather clause, or nothing?!!

If I have to file bankruptcy then I will give you notice to all the clients who cannot come and they can - all with you - and ask why you ruined their trip of a lifetime, and the state can refund their deposits.

DAVID L. LAZER
 MASTER GUIDE
 AND OUTFITTER

Hunting — Fishing — Photography



LAZER'S GUIDE SERVICE
 5744 BOULEVARD 4, BOX 4077
 PALMER, ALASKA 99645
 507-715-4304

8. There are approx. 500 registered and master guides now in Alaska. A.P.H.A. (Alaska Professional Hunter Assoc.) only has 92 members, as of Jan. 68. This group of less than 20% makes the laws for the other 80%, is that fair? If the A.P.H.A. were as good as they test their own horns, don't you think they would have a much greater membership?

7. The Guide & guide Board is like a union. A union run by a handful of big money, exclusive use, arrogant type people. In this guide union the members do not get to vote.

6. I would like to see a law requiring all my master guides to vote on any new bills — laws — regulations that affect them.

5. The guide Board needs to have a rule book (like a state) from which to make decisions. Their decisions from one meeting to another are never the same. It all depends who the certain party is and what their asking. They are so bias it makes a person want to throw up.

- Page 6 -

DAVID L. LAZER
MASTER GUIDE
AND OUTFITTER

Hunting -- Fishing -- Photography



LAZER'S GUIDE SERVICE
5740 RD 1, BOX 6877
PALMER, ALASKA 99645
907-263-4904

12. My guide sleep area is # 14. It goes from Palmer to Chulitna. Not including Chulitna then, I joint use it with 2 other guides, Elie Jones (Jack Lee), and Martin Crosser. I only have the Drainages of the Matanuska River. My sleep area goes from Prince William Sound to Talheta!

Martin Crosser has a exceptionally good sleep area in the Brooks Range. Last year reports we he had to sleep, and so the year before that. He does not need an "area" the Matanuska River area but had to show 2 contracts a year to hold it. Last year he let another guide, Kelly Ben, use it, which is legal but to me shows he doesn't need the area. I had this problem

to Juneau guide meeting 2 weeks ago, asking for Crosser be removed from unit 14 (Matanuska River area). They laughed us right out of the room. Martin & Ed Crosser are heavy hitters with the guide board and APHA. !!

I only take 4-5 sleep huts per year. Because there is also heavy resident pressure plus 2 other guides, I can't live on 4-5 sleep huts.

— Page 6 —

DAVID L. LAZER
 MASTER GUIDE
 AND OUTFITTER

Hunting — Fishing — Photography



LAZER'S GUIDE SERVICE

5014 ROUTE 1, BOX 611

PALMER, ALASKA 99645

907-743-4024

13. I don't mean to get off the subject but there are many guides with no area and some with very large areas. I know the guide who bought Ron Hayes out a number of years ago on the Alaska Peninsula took 20 Brown Bear hunters last fall. This is big money. That area could be divided into 2 or 3 guide areas. But as long as big money rides in the guide board and A.G.A., those big money guides will never be touched.
14. Do there any offices that unbiasedly investigate problems?
15. Who can I refer to, to ask legal questions? Is there someone independent of the guide Board, etc., that can give factual, legal answers?
16. In early April when I went before the board the chairman stated out by saying, gruffly saying — 'And now what do you want.' I might as well saved my breath. They turned me down anyway.
17. Chuck Weir owns a insurance company in Anch. He sells guide ins. I don't buy from him. How can he act on the board? Isn't that a conflict of interest? He has always turned down my proposals.

DAVID L. LAZEN
MASTER GUIDE
AND OUTFITTER

Hunting Fishing - Photography



LAZEN GUIDE SERVICE
5740 10TH AVE, BOX 6877
FAIRBANKS, ALASKA 99715
907-445-1504

18. Ken Fanning is in the Legislature. He is a virtual paid lobbyist by the State, for the Guide Board. He's their boy. Do it for that my state and tax money should be used to pay someone to ruin my livelihood?

19. I fully agree with the forming of the Task Force but it was not right to slip in (page 2, line 2, sec 3 ASAC 34,240 (3). lines 9 to 23, legislation certainly are eliminating my legal outfitter in this bill 50-197. I agree the Task Force should start immediately but disagree with line 9-23 becoming law immediately.

20. Have you talked to all 500 reg. winter guides, the 30 legal outfitters of A.C.A. to get their opinion? Or have you just heard from Fanning, Ed Jensen, bias guide board, a few of the A.P.H.A. heavy hitters ?!!!

Thank you very much for your time, I know you are very busy right now, but this is a critical life & death issue with me.

Sincerely,
David Lazen

operations to accommodate structures that will make requirements.

al provisions.

enna farm area consists of geographical location, dimensions of area, antenna towers with respect on aviation may in such area is established by rule making action. proposal for an antenna farm area is evaluated on the basis of the use of navigable airways of the Federal Communications Commission are required to effect that each established antenna farm area would be in accordance with the statutory responsibilities submitted by it are fully before the antenna farm area is established. If the Commission determines that the establishment of an antenna farm area is in accordance with its statutory responsibilities, the proposed area is not

establishment of an antenna farm area is considered whenever it is

Federal Communications

Director of a proposed antenna

er person having a substantial interest in a proposed antenna

10 FR 1839, Feb. 10, 1965, as amended, 37 FR 4705, Mar.

Establishment of antenna farm

Areas described in the provisions of this subpart are antenna farm areas.

77.77 through 77.1100 regulations of antenna farm

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 91—GENERAL OPERATING AND FLIGHT RULES

SPECIAL FEDERAL AVIATION REGULATIONS

- SPAR No. 21
- SPAR No. 27-5
- SPAR No. 28-4
- SPAR No. 41
- SPAR No. 44-5
- SPAR No. 44-6
- SPAR No. 45-1 (NOTE)
- SPAR No. 47

Subpart A—General

- Sec.
- 91.1 Applicability.
 - 91.2 Certificate of authorization for certain Category II operations.
 - 91.3 Responsibility and authority of the pilot in command.
 - 91.4 Pilot in command of aircraft requiring more than one required pilot.
 - 91.5 Preflight action.
 - 91.6 Category II and III operations: General operating rules.
 - 91.7 Flight crewmembers at stations.
 - 91.8 Prohibition against interference with crewmembers.
 - 91.9 Careless or reckless operation.
 - 91.10 Careless or reckless operation other than for the purpose of air navigation.
 - 91.11 Alcohol or drugs.
 - 91.12 Carriage of narcotic drugs, marijuana, and depressant or stimulant drugs or substances.
 - 91.13 Dropping objects.
 - 91.14 Use of safety belts and shoulder harnesses.
 - 91.15 Parachutes and parachuting.
 - 91.17 Towing: Gliders.
 - 91.18 Towing: Other than under § 91.17.
 - 91.19 Portable electronic devices.
 - 91.20 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.
 - 91.21 Flight instruction; simulated instrument flight and certain flight tests.
 - 91.22 Fuel requirements for flight under VFR.
 - 91.23 Fuel requirements for flight in IFR conditions.
 - 91.24 ATC transponder and altitude reporting equipment and use.
 - 91.25 VOR equipment check for IFR operations.
 - 91.27 Civil aircraft: Certifications required.
 - 91.28 Special flight authorizations for foreign civil aircraft.
- Sec.
- 91.29 Civil aircraft airworthiness.
 - 91.30 Inoperable instruments and equipment for multiengine aircraft.
 - 91.31 Civil aircraft flight manual, marking, and placard requirements.
 - 91.32 Supplemental oxygen.
 - 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates: instrument and equipment requirements.
 - 91.34 Category II manual.
 - 91.35 Flight recorders and cockpit voice recorders.
 - 91.36 Data correspondence between automatically reported pressure altitude data and the pilot's altitude reference.
 - 91.37 Transport category civil airplane weight limitations.
 - 91.38 Increased maximum certificated weights for certain airplanes operated in Alaska.
 - 91.39 Restricted category civil aircraft; operating limitations.
 - 91.40 Limited category civil aircraft; operating limitations.
 - 91.41 Provisionally certificated civil aircraft; operating limitations.
 - 91.42 Aircraft having experimental certificates; operating limitations.
 - 91.43 Special rules for foreign civil aircraft.
 - 91.45 Authorization for ferry flights with one engine inoperative.
 - 91.47 Emergency exits for airplanes carrying passengers for hire.
 - 91.49 Aural speed warning device.
 - 91.50 [Reserved]
 - 91.51 Altitude alerting system or device: turbojet powered civil airplanes.
 - 91.52 Emergency locator transmitters.
 - 91.53 [Reserved]
 - 91.54 Truth in leasing clause requirement in leases and conditional sales contracts.
 - 91.55 Civil aircraft sonic boom.
 - 91.56 Agricultural and fire fighting airplanes; noise operating limitations.
 - 91.57 Aviation Safety Reporting Program; prohibition against use of reports for enforcement purposes.
 - 91.58 Materials for compartment interiors.
 - 91.59 Carriage of candidates in Federal elections.
- Subpart B—Flight Rules
- GENERAL
- 91.61 Applicability.
 - 91.63 Waivers.
 - 91.65 Operating near other aircraft.
 - 91.67 Right-of-way rules; except water operations.

Part 91

- Sec.
- 91.69 Right-of-way rules; water operations
 - 91.70 Aircraft speed.
 - 91.71 Acrobatic flight.
 - 91.73 Aircraft lights.
 - 91.75 Compliance with ATC clearances and instructions.
 - 91.77 ATC light signals.
 - 91.79 Minimum safe altitudes: general.
 - 91.81 Altimeter settings.
 - 91.83 Flight plan; information required.
 - 91.84 Flights between Mexico or Canada and the United States.
 - 91.85 Operating on or in the vicinity of an airport; general rules.
 - 91.87 Operation at airports with operating control towers.
 - 91.88 Airport radar service areas.
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 - 91.90 Terminal control areas.
 - 91.91 Temporary flight restrictions.
 - 91.93 Flight test areas.
 - 91.95 Restricted and prohibited areas.
 - 91.97 Positive control areas and route segments.
 - 91.100 Emergency air traffic rules.
 - 91.101 Operations to Cuba.
 - 91.102 Flight limitation in the proximity of space flight recovery operations.
 - 91.103 Operation of civil aircraft of Cuban registry.
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VISUAL FLIGHT RULES

- 91.105 Basic VFR weather minimums.
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- 91.109 VFR cruising altitude or flight level.

INSTRUMENT FLIGHT RULES

- 91.115 ATC clearance and flight plan required.
- 91.118 Takeoff and landing under IFR.
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Subpart C—Maintenance, Preventive Maintenance, and Alterations

- 91.161 Applicability.
- 91.163 General.
- 91.165 Maintenance required.
- 91.167 Operation after maintenance, preventive maintenance, rebuilding, or alteration.
- 91.169 Inspections.

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- Sec.
- 91.170 Changes to aircraft inspection programs.
 - 91.171 Altimeter system and altitude reporting equipment tests and inspections.
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 - 91.173 Maintenance records.
 - 91.174 Transfer of maintenance records.
 - 91.175 Rebuilt engine maintenance records.

Subpart D—Large and Turbine-Powered Multiengine Airplanes

- 91.181 Applicability.
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- 91.187 Equipment requirements: Over-the-top, or night VFR operations.
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- 91.200 Shoulder harness.
- 91.201 Carry-on baggage.
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- 91.209 Operating in icing conditions.
- 91.211 Flight engineer requirements.
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- 91.301 Applicability; relation to Part 36.
- 91.302 Part 125 operators: Designation of applicable regulations.
- 91.303 Final compliance: Subsonic airplanes.
- 91.305 Phased compliance under Parts 121 and 135: Subsonic airplanes.
- 91.306 Replacement airplanes.
- 91.307 Service to small communities exemption: Two-engine, subsonic airplanes.
- 91.308 Compliance plans and status: U.S. operators of subsonic airplanes.
- 91.309 Civil supersonic airplanes that do not comply with Part 36.
- 91.311 Civil supersonic airplanes: Noise limits.

APPENDIX A—CATEGORY II OPERATIONS: MANUAL, INSTRUMENTS, EQUIPMENT AND MAINTENANCE

APPENDIX B—AUTHORIZATIONS TO EXCEED MACH 1 (491.55)

Federal Aviation Administration

Sec. APPENDIX C—OPERATIONS IN THE ATLANTIC (NAT) MINIMUM PERFORMANCE SPECIFICATIONS SPACE

AUTHORITY: 49 U.S.C. 1301(c), 1348, 1352 through 1355, 1401, 1431, 1471, 1472, 1502, 1510, 1519 through 2125; Articles 12, 29, of the Convention on International Aviation (61 Stat. 1180); 42 U.S.C. 17510; E.O. 11514; 49 U.S.C. 1101; Pub. L. 97-449, January 12, 1981.

SOURCE: Docket No. 1580, FR 8704, June 29, 1983, unmodified.

SPECIAL FEDERAL AVIATION REGULATIONS

SFAR No. 21—SOUTHERN AVIATION SANCTIONS

- 1-3 [Reserved]
- 4 Records.
- 5 Reports.
- 6 Violations.

1-3 [Reserved]

4. *Records.* (a) Each person in any carriage or operation subject to Federal Aviation Regulations before December 16, 1979, shall maintain and accurate record of each carriage or operation of this kind in which he is engaged, regardless of whether it was effective to license or otherwise, and the record available for at least the date of carriage or operation.

(b) This section does not require a particular method of recordkeeping, but records customarily kept by the operator, so long as the records are available for examination, shall be kept in the form of microphotographic copies.

5. *Reports.* Each person who is engaged in any carriage or operation subject to Federal Aviation Regulations before December 16, 1979, shall report on his activities under this regulation as the Administrator may require.

6. *Penalties.* (a) Attention section 5(b) of the United Nations Convention on International Civil Aviation Act of 1944 (22 U.S.C. 2585) provides in part:

Any person who willfully violates or attempts to violate any order, rule, or regulation issued by the President pursuant to subsection (b) of section 5 shall, upon conviction, be fined more than \$10,000, or, if a natural person, be imprisoned for not more than 5 years, or both.



*Phil Driver ... Master Guide
Excellence, Quality, Reliability in Outfitting and Guiding
for Alaskan Hunting and Fishing Experiences
Based from our Wulik River Lodge*

April 25, 1988

Representative Adelheid Herrmann
Co-Chairman Resources Committee
Alaska State Legislature, P.O. Box V (MS3100)
Juneau, Alaska 99811

It is of vital importance to the State of Alaska, to all citizens and particularly to the Animal Resource of Alaska, that SB/191 be passed. We must act responsibly now, to stop the wholesale slaughter of our game resource by uncontrolled, unlicensed guides, calling themselves "outfitters". Many of whom are non residents and even aliens. This bill is needed now, with an immediate effective date, if our animal resource is to survive.

Twelve years ago the State of Alaska realized the wisdom of restricting operating Master and Registered Guides, to conduct hunts in geographically defined areas to enhance game conservation. This went a long way in promoting management, by all the professional guides in their respective restricted areas.

Now however, we find this well founded premise to instill conservative hunting practices, which provides for the taking of trophy animals on a sustained bases, being circumvented by "Unlicensed Alaskan Outfitter" types, who are free to go wherever, taking game with no care for impact on the areas particular game resource they abuse. Because of this uncontrolled pressure, hunting seasons on both subsistence and sport hunting had to be shortened in several game units this year.

Here in Alaska we obviously have a different set of statutes to define what a professional big game hunter is called and how and who they can be. The crux of much of the problem comes about from the word GUIDE, compared to OUTFITTER. In Alaska the only license issued by the State, is that of GUIDE. These Guide licenses are of several classifications. Allowing the holder of a particular class of guide license to execute certain actions, for compensation, as prescribed by the Guide Statutes under 08.54 or Regulations 12AAC38, which are authorized from the Statute.

The different classes of Alaskan Guides follow, listed from the first to the last class by seniority. 1st. MASTER GUIDE, 2nd. REGISTERED GUIDE, 3rd. SPECIAL GUIDE LICENSE, 4th. CLASS A ASSISTANT GUIDE and 5th. ASSISTANT GUIDE LICENSE. The first two classes of guides in Alaska are the only two types that can contract to conduct hunts and be permitted Restricted Guide Areas.

1. The word "Outfitter" must be removed from use by unlicensed guides. The meat of the problem is the term Outfitter. The States in the lower 48, who have populations of big game to hunt, do have state licensed professional hunters, called Outfitters. Because of this the word outfitter is very often confused to mean the same as registered guide, by hunters booking Alaska hunts. Anyone can call himself an outfitter and book and guide big game hunters in

page 2

Alaska, because Alaska has no laws against this.

2. By writing into our guide laws a strict definition of "Guiding", this oversight can be corrected. By absolutely allowing for only a Licensed Master or Registered Guide, to accompany personally or through an assistant, to provide a camp or personal services and assistance to the big game hunter in the field. To outfit these camps is part of the guides responsibility.

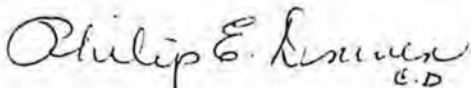
In game management Unit 23, in Northwest Alaska where I have a Restricted Guide Area, there are 9 guides allotted areas. Of these only 5 or 6 guides are actively pursuing a livelihood. Compare this to 25 known, documented, Non licensed, uncontrolled, "Outfitters" in this one Unit of Alaska. When the animals are gone from Unit 23 these 25 outfitters will move elsewhere to continue the slaughter.

I have watched one of the prime Moose rutting areas of the Noatak Valley, virtually destroyed by the relentless pressure of the drop-off type outfitter. A large camp is set up, capable of handling 8 to 12 hunters a week, on the very edge of the rutting area. Over the course of a month to six weeks, about 50 to 60 people attack, disrupting this vitally important, naturally selective area, where the rut has been an on going thing for years. The last three years the animals using this rutting area has noticeably declined. I unfortunately observed the same scenario take place on the Alaska Peninsula, some 16 to 18 years ago.

There are over 500 documented outfitters known state wide by the Dept. of Fish and Game Protection, so you can see the severe damage the animal resource is suffering. Not only are the subsistence animals suffering, but many illegally taken Grizzly Bear and Dall Sheep are being smuggled out of Alaska in luggage.

It is one of the basic primacies of a Professional Alaska Licensed Guide, that we do outfit our clients. Our responsibility as well, is the conservation of the harvestable resource in our restricted areas. However, the opposite is not true. The unlicensed outfitter is responsible for neither his client, or their actions, nor the areas game population he affects. This is a distinction in Alaskan hunting that cannot be stressed enough to the consumer client coming here to enjoy an Alaskan hunting experience. Anyone can call themselves an Outfitter, without any State recognized qualifications or testing. They too can go through the licensing system and become qualified guides.

Thank you for your vote for Senate Bill 191.



Philip E. Driver
President: Alaska Professional Hunters Assn.

Editorial Opinion and Comment of



Daily News - Miner

"Independent in All Things. . . Neutral in None"

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.

A temporary fix

The bill to take outfitters out of the guiding business is a good one, and we hope the Legislature passes it this session.

SB191, which has passed the Senate and awaits action in the House, is a temporary solution to a thorny problem that has arisen during the last three years. That is, a proliferation of outfitters, some from out of state, who are conducting commercial, mass-production hunts anywhere in the state they find sufficient game.

One section of the bill would establish an interim task force of 13 members to investigate the various questions and problems that the guide/outfitter controversy has brought to light.

Another section would require that to legally transport hunters to or from the field, a person would have to either hold an air-taxi license from the Federal Aviation Administration, or be a licensed guide flying to or from his assigned area.

Under the state's system, only registered guides are allowed to take clients on full-service hunts for sheep, grizzly and musk oxen. Anyone with an airplane or other method of transportation can drop off hunters, resident or non-resident, to hunt these and other big-game animals. In Alaska, these people call themselves outfitters, and they're not supposed to accompany hunters in the field.

Guides are restricted to specific areas where they can conduct their activities. Outfitters have no such restrictions and may be less inclined to practice good conservation measures.

The overriding concern in the controversy is the welfare of our big game animals. Commercial hunting should be carefully regulated just as commercial fishing is. This is the reason the state registers guides.

Persons who want to get into the guiding business should go through the qualification process that other guides have had to. Pilots who just drop hunters off may still do so under the bill as long as they meet minimum safety requirements as air taxi operators.

SB191 is a temporary fix, but it is a good one until a task force can find a permanent solution.

4/28/88

RECENT LETTERS OF SUPPORT

CS SB 191 (FIN) AM



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

SB 191 GUIDE BILL

The problem to be remedied is that unregulated outfitters, providing essentially guided hunts without the actual presence of a guide, are putting heavy hunting pressure on moose and caribou in Alaska. Operators exploiting this loophole in existing guiding regulations are not restricted to certain areas, nor are there any limits on the number of hunters they can book. When one area is hunted out, they are free to move to another, creating a disincentive for conservation or protection for other uses, including subsistence, sport hunting, or nonconsumptive activities. The Alaska Department of Fish and Game cites a compelling example of the problem in one unit where an outfitter has gone from booking 10 hunters several years ago to booking over 220 hunters in the same area this year.

The current version of this bill requires that:

- Anyone providing field or hunting camp personnel be a licensed guide.
- Anyone flying hunters for compensation either have an air taxi or guide license.
- Outfitter information be submitted on all non-resident moose and caribou tag applications.
- A task force be established to study the problems and issues concerning the commercial taking of big game and the businesses or professions that provide goods and services to big game hunters in the state.

The Alaska Environmental Lobby supports conservation of the game resources of the state by closing the loophole that allows outfitters who are not licensed guides to commercially exploit those resources. There are responsible outfitters who might be adversely affected, but we do not see better solutions at present. We are concerned that legislation must not grant undue privilege to licensed guides or unnecessarily restrict legitimate and responsible activities of others. Resource protection must remain the focus. Uncompensated friends and other legitimate transporters, such as the air taxi and riverboat charter operations, should be allowed to continue transporting hunters. Rights of guides and outfitters involved in activities other than big game hunting (i.e., fishing, float trips, hiking, photography) should be protected.

The Alaska Environmental Lobby supports the current version of SB 191 and will work to see that final versions continue to address these concerns.

Issue paper prepared by Bill Glude, April 22, 1988.

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • JUNEAU GROUP, SIERRA CLUB • SITKA GROUP, SIERRA CLUB
 KNIK GROUP, SIERRA CLUB • DENALI GROUP, SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY
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 SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL
 KNIK KANOERS AND KAWAKERS



ALASKA OUTDOOR COUNCIL, INC.

3780 MCGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

POSITION STATEMENT BIG GAME GUIDING SB 191

April 10, 1988

The Alaska Outdoor Council membership clarified their official position on SB 191 which deals with Big Game Guiding.

The Alaska Outdoor Council has consistently supported the maintenance of a well regulated, ethical, economically viable and stable guiding industry in Alaska. The Council has supported the establishment and maintenance of the Guide Board, elimination of illegal or non-fair chase operators, reasonable allocations for non-resident hunters and reasonable non-resident fees.

The Alaska Outdoor Council has actively supported efforts to clean up the guiding industry from the "vacuum guiding" operations that existed in Alaska during the late 1950's and early 1960's. We give the industry credit for the progress that has been made so far, although we recognize that some dissention still exists within the industry. We support continued efforts by the Department of Commerce, the Guide Board and the guiding industry to improve the regulations and policies dealing with licensing, area designations and other aspects peculiar to this industry.

This particular piece of legislation has gone through numerous drafts which has required the Alaska Outdoor Council to once again enunciate its position more clearly.

The Council originally supported the concepts outlined in the original SB 191 which: (1) clearly defined the term "guide"; (2) more clearly delineated between a so called transporter or outfitter and a licensed guide by defining "in the field" services; and (3) extended the Guide Board.

From the very beginning, the Fish and Wildlife Protection officers have asked for a clear separation of "in the field" guiding from other transporter type activities. From an enforcement standpoint, this is essential and we support a clear distinction for enforcement purposes.

The Outdoor Council is concerned about the rapid increase in so-called quasi-guiding activities which have grown in recent years and we are particularly concerned about the rapid increase

in non-resident businesses who are posing as legitimate Alaskan guides and outfitters. Part of this problem would be corrected if the Fish and Wildlife Enforcement Division were adequately funded. The Council is actively supporting increases in this enforcement program.

A major concern of the Council is the fact that, in some areas, a new and rapidly growing commercial big game harvesting industry is being established which will create increasing conflicts between urban and rural residents, subsistence versus non-subsistence users and resident versus non-resident hunters. Inevitably, an extremely mobile commercial harvesting operation similar to the ones that existed in the early 1960's will lead to severe resource management problems and user conflicts.

Alaskans are relatively lucky that at this point most of our big game populations are fairly high. We are concerned that severe winter mortalities like those we experienced from 1969 - 1971 may create severe big game shortages again which will further elevate the conflicts, especially with increasing commercial harvests.

We recognize that the legislature has chosen in the past to allow for transporters to exist to provide access to Alaska's back country. We support the continuation of that policy. We also support the concept that outdoor users be allowed to rent equipment and supplies for their outdoor activities. We do, however, propose that there be a clear distinction between these potential commercial activities and those of the registered, licensed and closely regulated guiding industry.

During our annual meeting in Sitka (April 8-10, 1988) the delegates voted to reaffirm their support of their original position as stated above. They did, however, vote to oppose adding additional species to the list of those requiring a licensed guide for non-residents. Their concern was the added complexity of the legislation, the increased constitutional questions raised by adding moose and caribou, the problems created if a resident is hunting with a non-resident friend and the impact on legitimate transporters.

The Alaska Outdoor Council supports a resolution of this issue during this session. Delaying the solution another year or two will only allow a continued escalation of the conflicts. We believe that legislation can be crafted to provide reasonable control of both the big game type transporters and the guiding industry. Most importantly, it is critical that legislation be developed to continue the careful control of any existing or potential commercial big game harvesting industry.

2

April 18, 1988

2 Representative Adelheid Herrmann and all members of the
Chairman - House Resources Comitee House of Representatives
P.O. Boxx V (MS 3100)
Juneau, Alaska 99811

From: David "Buck" Williams
Box 375
King Salmon, Alaska 99613

Dear Adelheid and members of the Resources Committee,

I have lived in King Salmon since 1961. I am a commercial fisherman, trapper, class A Assistant Guide, and dog musher.

I have played by the rules and came through the ranks the last ten years of my life in the guiding profession. I feel this is a good system and improves every year but doesn't do anyone any good with the so called outfitters raping our resourse. Most all of the guides are residents while the so called outfitters will only spend the hunting season in the State. They get away with using the word outfitter to cover for the fact they are really guiding and you can bet they know it! They don't respect or even or even appreciate our resourcs because most of them don't live in the State and are out for a fast buck. And I'm damn sick of watching these jerks get away with it!

I love our game animals and want them to be around when my children are my age. The only way this can be accomplished is through good game management and a system that controls the explôitation that I have described. Thats why there is a Guide law and thats what I am asking you to tighten up. Guides are responsible to there areas and we would ruin our futures if we over harvest game.

You should make sure that the law does not allow the Phoney class of operator to call themselves outfitters because outfitting is what lisenced Guides do. No one other than guides should be allowed to go with people in the field. Don't believe for one minute that meat packing and camp cooking is a big industry for Alaskans. That's just a cover for being in the field to guide without a lisencc!

If you straighten this out, the game animals will be better protected for everyone - resident and subsistance hunters and people who just want to look at these beautiful animals. Legitimate guiding provides many jobs for Alaskans. This will all be lost along with the resource unless the members of the Legislature get this problem straightend out this Year!

Sincerely, 

RECEIVED APR 25 1988

Scott Deslauriers
Box 494
King Salmon, Alaska 99613

To all members of the House of Representatives

Dear Legislator,

As an Assistant guide and commercial fisherman in the State of Alaska, I depend heavily on the natural resources seriously threatened by these so called outfitters. SB 191 does not do nearly enough to slow down this kind of hunting. We need the existing guide system for the resources to be harvested in a responsible manner especially when this involves non residents.

The so called outfitters who are running rampant all over the State are not interested in the number of animals left but only the number they can get. This sort of hunting is unethical, unfair, and has to be stopped! A real strong definition of guiding in the field is needed. Guiding services in the field whether cooking, packing, camping or any other services should only be provided by licensed guides who have worked their way through a proven effective and professional system. Licensed guides are the only people who should be able to use the word outfitter. This is the loop hole name that is used to get away with all this destructive hunting.

You must take action to make this bill effective this year or there won't be anymore decent hunting for anybody. These are the facts. I just can't believe it has taken so long to figure out a common sense solution to stopping these pirates.

Sincerely,

A handwritten signature in cursive script that reads "Scott Deslauriers". The signature is written in dark ink and is positioned below the typed name "Scott Deslauriers".

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: THOMAS KARSHEKOFF
TITLE:
ADDRESS: BOX
CITY: NONDALTON ZIP: 99640
PHONE: H/R-

BILL NO: SB 191

SUBJECT: GUIDE BOARD; BIG GAME GUIDING

MESSAGE: I URGE THE HOUSE COMMITTEES OF FINANCE, RULES, AND RESOURCES TO TAKE IMMEDIATE ACTION TO PASS SB 191 THIS SESSION. THIS BILL NEEDS TO CONTAIN A STRICTER DEFINITION OF GUIDE/GUIDING, IT NEEDS TO LIMIT THE USE OF THE TERM "OUTFITTER" TO REGISTERED GUIDES ONLY, AND SHOULD BECOME EFFECTIVE IMMEDIATELY.

POMID: 03151911
DATE: 04/26/88
TIME: 15:19:11
LIONAME: ANCHORAGE LIO



Darrell Farmen, Registered Guide
12800 Ridgewood Road
Anchorage, Alaska 99516

907-345-0786 (Evening)
907-344-9719 (Day)

Fall brown bear and Sitka deer
hunting at Deadman Bay
Kodiak Island

Representative Adelheid Herrmann
P.O. Box V (MS 3100)
Juneau, AK 99811

April 20, 1988

Dear Representative Herrmann:

I am a 35 year resident and have been associated with the guiding industry throughout that time. My first guide license was obtained in 1961 and I have been active up to now and would like to continue in the profession.

I am requesting that SB 191 be made more effective by further curtailment of illegal guiding activities being conducted under the guise of outfitting. Guiding, a longtime Alaskan industry, is threatened by the unrestricted outfitter participation in the taking of certain big game species, primarily moose and caribou. These two species cannot withstand the increasing demand placed upon them by an expanding entity. The outfitter is creating problems for certain villages to obtain their subsistence moose and is resulting in seasons being shortened in certain areas. The local people are the ones left to deal with the problem of a depleted species while the outfitter moves on to a new area since there are no restrictions placed upon them.

It is important to maintain SB 191 as passed by the Senate and to strengthen the definition of guiding to include the setting up of camps in the field for hunters. Further, the term "outfitter" should be restricted to use by only registered or master guides. Outfitter and guide mean the same thing in the rest of the states and Canada. Lets clear up the confusion.

This bill must be passed this session. The problem continues to grow and the ultimate losers will be our moose and caribou stocks.

With best personal regards,

Darrell Farmen
Darrell Farmen



The Kodiak Island experience for hunters who enjoy the outdoors

RECEIVED APR 25 1988



Howard D. Flynn & Son

Registered Guides
Motner Goose Lake Lodge
Alaska Peninsula



April 22, 1988

DEAR SIRs,

I URGE you to support
SB 191. My LIVELIHOOD Depends
on it. The Outfitters Do NOT HAVE
TO ABIDE BY the Rules set up
to conserve game in AK. This is NOT
Right! YOU AS my Representatives
SHOULD NOT let this situation pass
you By. IF you do it ONLY MAKES
the UNLAWFUL Hunters ~~AND~~ ENCOURAGED.
PLEASE put A STOP to UNLICENSED
guides.

A handwritten signature in dark ink, appearing to read "D. H. Flynn", with a stylized flourish at the end.

Howard D. Flynn
4203 Minnesota Dr.
Anchorage, Alaska 99503
Telephone: 907 - 562-4541

David H. Flynn
9800 Tolsona Cir.
Anchorage, Alaska 99502
Telephone: 907 - 349-5752

RECEIVED APR 25 1988

LARRY RIVERS

REGISTERED GUIDE AND OUTFITTER



P.O. BOX 107
TALKEETNA, ALASKA 99676
(907) 733-2471

State of Alaska
Resource Committee
Mr. Herrmann
Sam Cotton
Juneau, Alaska

April 20, 1988

Gentlemen,

I am writing in regards to SB 191 as it passed on Monday, April 18. This legislation is very important to the survival of a healthy wildlife resource and deserves your dedicated support.

We have a critical resource problem that has been getting worse over the last several years and that is simply defined as wanton disregard for the resource by a few unregulated individuals the "outfitters". We had a similar problem in the early 1970's when the guides were allowed to roam at will over the state. At that time a few individuals found it to their financial advantage to go into an area and take all the game possible, with the idea that they would simply change location the next year. Obviously this was disaster for the game. Many of the guides recognized this problem and moved to eliminate it. In 1977 a new concept was introduced, restricted guiding area. The primary criteria in application for an area was one of previous use. A guide had to show that he had hunted the same area for three years out of the past five in order to qualify for consideration of his application. The purpose of this policy was to effectively eliminate those individuals who had displayed disregard for the wildlife resource. It virtually eliminated the guides who had abused the game year after year. It also gave individuals a great incentive to care for the game populations in their areas. In other words, what was good for the game became good for the business. The restricted area concept has worked exceptionally well.

Now we have a new problem. Because of a broad loophole in the guiding laws, unlicensed individuals have been able to start up illegal guiding operations under the guise of "Outfitting". For the most part these individuals are operating illegally, providing the services guides, taking compensation for assisting on the hunt, and many if not most are abusing the resource. Quite simply, they operate much as the guiding bandits of our past, as they have the freedom to hunt the state at will without restriction. In many areas the resources are in critical shape to the extent that resident and subsistence hunting opportunities are being jeopardized. They are guiding illegally, and have absolutely no incentive to care for the game population. As guides, we have been

LARRY RIVERS

REGISTERED GUIDE AND OUTFITTER

P.O. BOX 107
TALKEETNA, ALASKA 99676
(907) 733-2471



trying to work with the Department of Fish and Game and the Department of Protection in an attempt to solve this problem but we have had very little success. We need your help.

Guiding has been an established industry in this state for over fifty years, and attracts tens of millions of dollars to the state annually. Not only does it support the guides but the dollars are plowed right back into the Alaskan economy through purchases of food, wages, equipment, fuel and maintenance. The industry has been a solid part of the Alaska heritage for many many years and deserves your support.

At this point I would like to say that I am not at all opposed to the pure concept of Outfitting, only the way it has been corrupted by illegitimate operators. If an individual wishes to go into business renting camping or hunting equipment, I feel he has a genuine right to do so. However when that individual starts providing hunting services to the general public, offering operating camps with transportation and "camp help that know the area and the game" as is often advertised, then this is stepping over the boundary into the realm of guiding, and infringes illegally on an activity that the state has long chosen to regulate under stiff and exacting laws and standards. The guiding laws have been developed over a period of more than fifty years, developed with the specific purpose of protecting the game resource. Now we have individuals who have simply chosen to ignore the intent of the law and are doing so at the expense of the vary resource we have been so careful to protect.

I support one ninety one, (191), but would like to see the definitions made tighter to preclude continued abuse. Lets make the law clear and concise. Guiding has always been defined as the providing of hunting services for financial gain. This included established camps and personal services. If an airtaxi wishes to provide equipment, that's fine. If an individual wishes to go into the equipment rental business, that's perfectly in line with the intent of existing laws. However, once an individual starts providing air service to established camps without an airtaxi license he is stepping into the realm of licensed airtaxis or guides. And once either of them start providing established camps, with or without camp help, they are infringing on the guiding profession, and the opportunity for abuse is present. In order to clear up the question and eliminate a cloudy area that is open for abuse, permanent camps must be limited to the use of licensed guides. This does not restrict the airtaxi from flying or renting and it does not stop the legitimate operation from renting out equipment, but it does eliminate any temptation to provide illegal guiding services.

LARRY RIVERS

REGISTERED GUIDE AND OUTFITTER

P.O. BOX 107
TALKEETNA, ALASKA 99676
(907) 733-2471

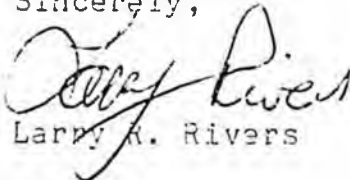


I would also like to see you define the term "OUTFITTER", as it relates to the hunting industry. Many of our current crop of "outfitters" ie: unlicensed guides, attend the hunting conventions, and advertise their services as OUTFITTERS. This is a serious form of fraud. In every part of the world, except Alaska, outfitting refers to the services of licensed guides. These individuals know this, and in advertising themselves this way they present themselves as guides, seldom telling the client differently. Many a hunter comes to Alaska to hunt with an outfitter, believing that they are licensed guides, approved by the State of Alaska. Let's clear up this terminology so that individual purchasing the various services knows exactly what they are dealing with. In other words, its time our terminology came in line with the world standard. Only Registered or Master Guides should be allowed to use the term outfitter. Furthermore, I would suggest that the term be further restricted so that it applies only to those Registered or Master guides with restricted guiding areas assigned by the State of Alaska.

It is extremely important that we protect the resource NOW. Alaska needs this legislation now, before the problem is totally out of hand. We need the bill this session and it needs to become effective as soon as it is signed by the Governor.

I sincerely thank you for you support of this bill.

Sincerely,



Larry R. Rivers

LR:dd

cc: House of Representatives

RECEIVED APR 23 1988

MIKE McCANN

ALASKAN REGISTERED GUIDE

TROPHY HUNTING • BACKCOUNTRY TRAVEL • FISHING • PHOTOGRAPHY

BOX 583 • GLENNALLEN, AK 99588

(907) 822-3240



Dear Adelheid,

I am writing in regards to the bill 191, and it is imperative that you vote for it. I have been guiding for 12 years in Alaska and am now a registered guide. My entire living is made by guiding in the spring and fall and in the winter I trap by dog team. And after I passed the registered guide exam I am still working with other guides, because I do not have an area. The passing of bill 191 is very important to me. And to the state of Alaska! These people that are calling themselves "Outfitters" are taking the resources without a license and an area! The word Outfitter should only legally be used for a legitimate registered or master guide. People in the lower 48 states assume an outfitter is one and the same. A lot of these people are taking too much of the game and is making a resource crisis. Legitimate subsistence hunting is being threatened and the general resident hunting is going to lose out if these people continue to illegally guide. The resource cannot take the pressure. The definition of guiding needs to be tightened up and keep this people out of the field. Camps for hunting should be the legitimate, licensed guides function.



MIKE McCANN

ALASKAN REGISTERED GUIDE

TROPHY HUNTING • BACKCOUNTRY TRAVEL • FISHING • PHOTOGRAPHY

BOX 583 • GLENNALLEN, AK 99588

(907) 832-3240

If you do not pass bill 191, The state of Alaska is going to lose out in many ways, not just the guides, The people of the state, the economy that the guides generate, and the natural resources will all lose it. These people are allowed to advertise and outfit without restrictions. The guides have licenses (mine cost \$240) and regulations to abide by. The situation is very critical! Please vote for 191.

Sincerely,

Michael J. McCann

- cc - John Sand
- Mike Naumov
- Cliff Davidson
- Druc Pierce
- Henry Springer
- Lyman Hoffmann
- Dick Shultz

RECEIVED APR 25 1988

THE HELMERICKS

Walker Lake - Colville Village
Via 930-9th Avenue
Fairbanks, Alaska 99701-9998
(907) 452-5417

April 22, 1988

Dear Adelhiide,

We want to ask you to schedule the bill SB 191 and move it out for quick passage this session. It is important for us to extend the Guide Board for another year and to pass this bill to protect our wildlife resources and strengthen the guiding industry.

The outfitters who wish to become guides may, those who want to be air taxi operators may while those who wish to become both may but they must pass the same exams and abide by the laws the way the rest of us have to.

I have been a registered or master guide for 43 years and I have not found it a hardship to follow our regulations. I'm proud to have worked in the guiding industry all those years and I want to see the guides continue to protect our fish and wildlife resources as we all once did. Anyone guiding in Alaska should be an Alaskan.

Thanks for your help. May each day be a happy one. We send our best wishes and our kindest personal regards.

Sincerely yours,

Red + Martha



RECEIVED APR 25 1988

P. O. Box 670071
Chugiak, Ak. 99567
April 20, 1988

Ms. Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS3100)
Juneau, Ak. 99811

Dear Ms. Herrmann,

Our big game wildlife resources are being threatened by an uncontrolled group, illegally guiding hunters, who call themselves "outfitters".

This group is made up of past guides who lost their licenses through illegal activities, non-residents, and those too lazy or defiant of the restrictions of the law to get a legal guide's license.

Senate Bill 191 passed out of the Senate April 19, 1988, addresses this issue, but doesn't go nearly far enough. This group of unlicensed guides, who call themselves outfitters, are grossly out of control. From every region of the State, I have heard of and have personally seen, atrocities against good game management.

This group of illegal guides, who call themselves outfitters, have used unbelievable imagination in finding loopholes to operate through. It will take a tough law to bring this back into control. These illegal guides go into an area, wipe the game out and move on.

Loopholes, like letting illegal outfitters rent camps in the field, are big enough for them to wholesale thousands of precious Alaska game animals to non-residents.

Absolutely every last one of these illegal outfitters knew they were outright illegal or operating through a loophole in the guide law.

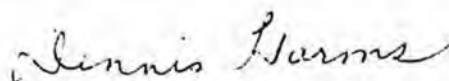
Legal licensed guiding has over a 50-year history. Legal licensed guides are the most controlled and restricted industry in Alaska. The legal guides have gone to great extent to enact laws to help the law enforcement revoke the licenses of those guides who did not respect game resources.

A licensed registered guide is limited to his area of operation so it would be foolish for him not to be a good steward of the game resources. However, he is at the mercy of the illegal outfitters who move in and out of guide areas wiping out the game populations.

This is a critical resource issue that is grossly out of control. I urge you to support S.B. 191 with strong amendments to stop these atrocities against our wildlife resources.

Every resident of the State will benefit from properly controlled game harvest.

Sincerely,



Dennis Harms
Alaska Master Guide

RECEIVED APR 27 1988

DONALD TROUTMAN
2453 HOMESTEAD DRIVE
NORTH POLE, ALASKA 99705
(907) 488-6300

April 26, 1988

Representative Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS3100)
Juneau, Alaska 99811

Dear Representative Herrmann,

I am writing in regards to SB191. I am very concerned about this legislation which has passed from the Senate to the House of Representatives. I feel that the time has come for the Senate and House to open their eyes as to the situation regarding Alaska big game moose and caribou. It is time to STOP the unregulated slaughtering of our animals by outsiders who are only interested in a fast buck, instead of trying to wisely use the available moose and caribou in a way that is best for Alaska residents.

I have enclosed two copies of advertisements that have been published in NATIONWIDE magazines. If something isn't done soon to regulate our animal resources, there won't be moose or caribou to hunt. What will we tell our children when they are grown? "I'm sorry but the State of Alaska legislatures, didn't care ten years ago about the moose and caribou, so now you as a resident of Alaska are not permitted to hunt for subsistence or sport." This situation is fast getting out of hand, and if something isn't done now to stop it, it will have grave consequences on the future of Alaska.

Thank you for your time to review my thoughts on this subject and the enclosed literature.

Sincerely,



Donald Troutman

James B. Bates
2256 Dillon Ave.
North Pole, Ak. 99705
(907) 188-2631
April 1, 1988

Senator or Representative
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator or Representative,

I would like to take a few moments of your time to discuss an issue that, if you are reluctant to face controversy, you may prefer not to discuss. However, because it concerns the big game resources of Alaska, I think it would be good of you to consider what I have to say.

As a resident hunter, I feel like I am caught in the middle of the outfitter controversy. There seem to be four important elements to this question. First, there are the guides, some good and some bad, who have worked within the system over the years, and who generally tolerate the other legal hunters who hunt in their areas. Then there are the so-called "outfitters", who, because they are not restricted to any particular area, are able to hunt wherever they want, and take as many clients as they can find moose for. Then there are the resident hunters like myself, who, at this point have not been seriously impacted as a group, but many of whom have been individually effected by uncontrolled outfitters. Finally, there are the subsistence users. As we all know, the subsistence users are given the priority when a game resource runs in short supply.

Now, if the outfitters put so much pressure on the moose population in a particular game management unit that the subsistence priority kicks in, what happens to the other user groups? Obviously, a guide is out of business, because he cannot move to another area. An outfitter can and will. The resident hunter will also be forced out of his traditional spot and will have to move to another area, if possible. The problem is that if all the hunters move to another unit, the game in that other unit will be decimated. The net result will obviously be that nobody will be able to hunt moose or other species except for subsistence.

For these reasons, I strongly urge you to support a serious solution to this problem before you adjourn in May.

Thank you.

Best regards,

James B. Bates

March 25, 1988

John G. Daly
2190 Remington Circle
North Pole, Alaska 99705
(907) 435-3741

Senator or Representative
P.O. Box 6
Juneau, Alaska
99811

Dear Senator or Representative,

I have been a resident hunter in Alaska for the past three years, and am concerned that the uncontrolled influx of outfitters into the State will eliminate my hunting opportunities if nothing is done to stop it. SB191, as it passed out of Senate Resources does not accomplish anything, and I urge you not to support that version. In order for any piece of legislation to be effective, it must address the problem this year, not put it off until next year. I would urge you to insist that SB191 or HB183 include a definition of guiding, to eliminate anyone out in the field, such as a 'camp cook', who could very well be guiding - we don't know unless protection investigators them. My opinion is that many of these men character as guiding under the guise of 'cooking', etc. In addition, the bill should

put more of our big game on the guide required
list for nonresident hunters - particularly moose
and caribou - as long as residents can take
furds out.

As I said above, I have been an Alaskan
hunter for many years, and I am personally
acquainted with many other Alaskan hunters
who will not tolerate more closed and shorter
seasons that are resulting from uncontrolled
hunting pressure from outside outfits.

Thank You. Please do something now.

Sincerely Yours,
John G. Daly

Kurt Smith
Box 1351
North Pole, Ak. 99705
(907)488-2596
April 5, 1988

Senator or Representative
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator or Representative,

I have just read the Third(!) Resources committee substitute for Senate Bill 191, and I must say there appears to be a shortage of backbone down there in Juneau! Don't you people realize that if this illegal outfitter problem isn't fixed this session it will very likely be beyond fixing next session? I am a resident and a hunter, and am concerned for my right to hunt big game in my home state - especially moose.

I recognize this is an election year, and that this latest - gutted - version of this important bill may be written so as not to offend or put out of business some very important campaign supporters. However, you must realize that if the resident hunters of Alaska are prevented from pursuing their favorite big game animal, just so a few illegal resident outfitters and a whole bunch of Outside commercial operators like Cabellas and others from New Jersey, Pennsylvania and Wisconsin can get them, the resident hunters will remember that at the ballot box.

I urge you to support any amendments to this stripped-down bill that will put some effectiveness back into it.

Thank you for hearing me out, and don't hesitate to show some guts on this one.

Sincerely yours,

Kurt Smith

Rick Davis

3/25/88

300 Howland #59

Fairbanks, AK. 99712-1506

Phone 457 2720

Dear Senator or Representative,

I AM A Resident Hunter, having hunted in The Fairbanks Area For The PAST 27 years. I hope To continue To hunt in This Area in The Future, but Am quite concerned That if you in The Legislature do not do something About The illegal outfitting Problem - And very soon - I will NOT be able To continue To hunt.

I have Followed The Progress of SB 191 + HB 183, ALTHOUGH There hasn't been much progress on either one. From The looks of The latest Version of SB 191, I would wonder if maybe some one down There is AFRAID To make a decision. Be Forewarned That This Failure To decide is STILL A decision, & IT will have grave consequences For US Resident Hunters of ALASKA because of our subsistence priority law. IT WILL ALSO have A Great impact on non-Alaskans VOTE. IT will ALSO have consequences on subsistence hunters, since a priority is of little value if The moose + caribou are gone.

Please sincerely consider passing An amended version of EITHER of These Two bills That will stop The Flow of illegal outfitters into AK
(over)

These people should be guides if they want
to be involved in commercial taking of big game
make them go through the guide system.

Thank you for taking the time to read my
comments. Also the new game regulations for
1988 put moose "spike-bull" & over 50" moose for
hunting only in unit 20A this puts half of the
residents from filling their freezers this year.
I will be watching to see if you resolve this
problem

Sincerely yours



Andrew J. Pichler
P.O. Box 51651
North Pole, Alaska 99705
468-1547

Re: CS 50-191

Dear Senator or Representative,

I see that in the above-referenced version of the bill the committee would limit your right making a decision to solve the illegal poaching problem for another year. It is not the way to handle this problem, and I hope you will show a little more statesmanship when the bill comes to the Senate floor for a vote. It should be amended, and Alaska's big game resources are depending on it. I am totally opposed to the concept of a law force to take on the problems associated with the guide industry, and could support that if a part of the bill had some guts to it. Although I am not a guide, I support a well-regulated guide system, and would think the guides would welcome the secondary law force would provide however - a resident hunter. I am very outraged over these "inspectors" coming into the state and slipping off hundreds of moose and caribou hunter for game populations. Cannot sustain this type of business for long and when they crash, we will go with them. Please take positive action on this issue immediately.

Thank you
Andrew J. Pichler

Charlie Draper
2820 RIVERVIEW
FAIRBANKS, ALASKA
99709

474 9612

Dear Senator or Representative

Alaska's best game resources are in a very vulnerable position at this time. Because of loopholes in our hunting and guiding laws. I hope you support closing those loopholes this session. As you are no doubt aware, our big game guide system came about in response to just this type of predatory activity we are now seeing with outfitters. At that particular time it was the guides who could operate freely anywhere in the state, and who had no vested interest in taking care of the resources. We have effectively regulated their businesses since then, and both sheep populations have benefited by the system. Now, however, we have a parallel situation with uncontrolled hunting on moose and caribou. If we are to protect these important big game species it is imperative that you take action this session. I hope you will take my concerns into account. I am not a guide and have no vested interest in any guide business, and hereby am not concerned.

favor quiet. As a religious matter, however,
I am very concerned that my meeting opportunities
will be diminished, if not eliminated, and for what
to a few wholesale outbidders from outside will
make a great profit on Alaska by some
means. This is wrong and I hope you
will seriously attempt to rectify it.
Thank you for considering my point of view.

Sincerely,

John P. ...

KEITH N. JOHNSON

MASTER GUIDE & OUTFITTER

3646 NORTH POINT DRIVE
ANCHORAGE, ALASKA 99515

April 26, 1988

Phone: (907) 243-5087

Representative Adelheid Herrmann
P. O. Box U
State Capitol
Juneau, Alaska 99811

Dear Representative Herrmann:

I would like to see Senate Bill 191 moved through the house as rapidly as possible this session so that it can be passed before the end of the legislative session. In order for this to be done, we are going to need a lot of help from all of you and sincerely request your help on this.

The general public and the guiding industry needs this bill to be passed in order to get some restraints put on those who are now literally raping the natural resource. It has been called to all of our attention that several outfitters are taking between 100 and 300 hunters in the field each season. They are not restricted to any general area so when one areas game is used up, so to speak, they move on to another valley.

We also need to strengthen S.B. 191 by adding some wording to it. Just recently a decision by an Assistant District Attorney made it illegal for the oral portion of the Registered Guide Exam to be required for licensing. The oral exam is extremely effective in sorting out those who really know Alaska, its wildlife and the guiding regulations from those who have just studied books and are good at taking written tests.

We need to insert the words "Written and Oral" in (a) (1) between administer and examinations to correct this matter in Sec. 08.54.040 Powers and Duties.

I know of no person that is against the insertion of these words into the bill. It is just something that was deleted because of confusing wording. It is merely a housecleaning change that must be done on this bill.

The guiding industry respectively requests your support on S.B. 191. Our industry has come a long way in the last few years to clean up our act and strengthen our regulations and we need all the help we can get from all of you. One step that would certainly be beneficial to the guiding industry is if we were given more than one year extension of the sunset. The dates should be moved to June 30, 1990 to give us time to correct any problems we have in the industry. As it currently stands we seem to spend most all of our time in political turmoil trying to get a bill passed.

Respectively yours,



Keith N. Johnson
Guide Board Advisory Committee Chairman

April 26, 1988

Representative Adelheid Herrmann
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Herrmann,

I too, am an Alaskan who enjoys our state's game resources and I applaud Governor Cowper's recent commercial, which I heard on public radio. "The Fish and Game Zenith number", to report game violations is a way to protect our state's game resources.

Why then is the same administration not willing to address and support the issue of "Unlicensed Outfitting". It would seem to me that to truly protect our game "Unlicensed Outfitters" should have to follow the same rules and state regulations that are demanded of current licensed guides, both Master and Registered.

How can the game resource be protected when "Outfitters" are guiding people, both residents and non-residents anywhere in the state to take Moose and Caribou without regulation? How can we know the impact on the area populations without knowledge of "where" and "how many"?

As the wife of an assistant guide, I am especially concerned with the answers to these questions and the outcome of SB 191, as it is our livelihood.

If these "Unlicensed Outfitters" can not or will not become a part of the state's guide licensing system, then they should be regulated in their taking of game.

Our state's game resources depend on it.

Sincerely concerned,

Cindy Chadd

Cindy Chadd
P.O. Box 230241
Anchorage, Alaska 99523

T.F. SMITH

Licensed Master Guide

~~P.O. BOX 1132~~ 3407 HPR

SITKA, ALASKA 99835

(907) 747-8807

April 27, 1988

RECEIVED APR 29 1988

Representative Adelheid
Co-Chair: Resources Committee
Alaska State Legislature
P. O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Adelheid Herrman:

Please schedule SB 191 and move it out of your
Committee, if this hasn't already been done. I support this Bill
and feel that it is too important to let die upon adjournment.
Thank you.

Sincerely,

T. F. Smith
T. F. Smith

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: VERN NOWELL
TITLE:
ADDRESS: 12241 AVION
CITY: ANCHORAGE
PHONE: 345-4417
BILL NO: SB 191
SUBJECT: GUIDE BOARD; BIG GAME GUIDING

ZIP: 99516

MESSAGE: I AM A VIDEO PHOTOGRAPHER AND STILL PHOTOGRAPHER. I ACCOMPANY HUNTERS
IN THE FIELD AND PHOTOGRAPH THE HUNT. PLEASE MAKE ALLOWANCES IN THIS BILL FOR
ME TO CONTINUE OPERATIONS.

PMID: 03133352
DATE: 04/25/88
TIME: 13:33:52
LOCATION: ANCHORAGE LTO

COPIES: REPRESENTATIVES

COTTEN
DAVIDSON
HOFFMAN
NAVARRE
PEARCE
SHULTZ
SPRINGER
SUND

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: NICK ERICSON
TITLE:
ADDRESS: 3450 LAKEVIEW DRIVE #313
CITY: FAIRBANKS
PHONE: 456-5210
BILL NO: SB 191

ZIP: 99701

SUBJECT: GUIDE BOARD; BIG GAME GUIDING
MESSAGE: I SUPPORT THE ABOVE REFERENCED BILL WITH THE FOLLOWING AMENDMENT.
IN THE 2ND READING DATED 4/15/88 ON AMENDMENT #3, SEC. 3 (D) CHANGE TO READ,
"IN A CAMP WHILE ATTENDING TO HORSES OR SLED DOGS THAT ARE BEING USED TO
TRANSPORT BIG GAME HUNTERS TO OR FROM THE FIELD." MY MAIN INTEREST
IS TO SEE THAT SLED DOGS ARE INCLUDED AS A FORM OF TRANSPORTATION FOR THE
HUNTERS. THIS WOULD CHANGE 08.54.240 (3).

POMID: 07135906
DATE: 04/27/88
TIME: 13:59:06
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

BOYER	FAHRENKAMP
COTTEN	COGHILL
DAVIDSON	FAIKS
HOFFMAN	
NAVARRE	
PEARCE	
SHULTZ	
SPRINGER	
SUND	



Challenge Alaska

March 23, 1988

Senator Rick Uehling
Pouch V
Juneau, AK 99811

Dear Senator Uehling:

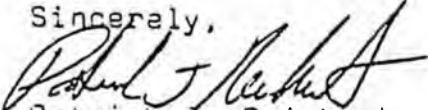
Attached you will find a letter of support for Senate Resolution #62, "Relating to making state facilities and national parks in Alaska accessible to visitors." Also attached is a detailed budget of how Challenge Alaska would spend a \$35,000 grant for the promotion of tourism for the physically challenged. This grant would be made available through the Division of Tourism. I recently had discussions with Mr. Hugh Gellert, Director of the Division, and he is very supportive of our initiative.

Originally, we had combined this request with an existing contract with State Parks. Presently, we are in the Governor's budget under Parks at the \$35,000 level. These funds help support Challenge Alaska recreation activities for disabled Alaskans. We have asked for an additional increment of \$25,000 from Parks to support recreation activities in the Fairbanks area. Your support of this request is appreciated by all those disabled Alaskans who benefit from our program.

As you will notice, the funding we requested for visitor promotion is only 75% of the project budget. Challenge Alaska is committed to the project, and we will demonstrate this commitment by raising the additional funds through service contracts, workshop fees, and donations from private industry. We have also been very successful in raising funds for the activities we provide to disabled Alaskans. You should know that the grant provided by State Parks is less than 25% of our total activity budget.

We have a unique opportunity in Alaska to develop a truly accessible visitor industry. I believe you recognize this fact. I want to thank you for your support of Challenge Alaska and being sensitive to the needs of the physically challenged visitor.

Sincerely,


Patrick J. Reinhart
Executive Director



Attachments: Physically Challenged Visitor Promotion Budget
Letter of Support for SJR #62

P.O. BOX 110065 ANCHORAGE, ALASKA 99511: (907) 563-2658
(907) 783-2925

GOALS AND OBJECTIVES OF PROJECT

GOALS:

1. Facilitate travel and outdoor recreation in Alaska by all physically challenged visitors.
2. Bring economic benefits to Alaskans (both disabled and non-disabled) through development of this new visitor market.
3. Generate sufficient resources, through service contracts, grants, fees, commissions, memberships, donated funds, goods or services, volunteer work and other means, to maintain a continuing program.

OBJECTIVES:

1. Obtain funding for startup phase of project; as part of startup, revise project plan for FY89 in line with funding level.
2. Continue to provide outdoor recreation activities. Develop demonstration activities to test their marketability and to stimulate the interest of private vendors in replacing Challenge Alaska as the operator of these activities wherever possible.
3. Develop and maintain research program on challenged visitor market, including elderly with limited mobility.
4. Promote Anchorage and Alaska as destinations for these visitors.
5. Facilitate travel planning for such visitors with materials, information services, reservation services and other appropriate means.
6. Create new job opportunities for Alaskans experiencing a disability in the travel trade.
7. Develop and maintain ongoing relationships within the travel trade so as to facilitate challenged visitor development.
8. Provide disability awareness or other needed training to front line visitor related employees.
9. Develop ongoing financial support through grants, contracts, memberships, donated funds, donated goods, donated services or other means.
10. Examine feasibility of charging fees or obtaining commissions for provision of training, materials, or travel consulting services to the travel trade.
11. Recruit and train volunteers to support this program as appropriate.
12. Provide information on tax breaks and other financial advantages of providing increased accessibility in private accommodations and visitor related facilities.

CHALLENGE ALASKA
 Visitor Promotion Program
 Budget - FY89

SALARIES	
1 FT Visitor Access Specialist	25,000
TAXES/FRINGE	
FICA	737
WORKMANS COMP	1,000
ESC	810
Medical	360
FACILITIES	
Telephone	300
SUPPLIES	
Office	1,000
Workshop Supplies	1,200
Postage	800
Software	1,000
EQUIPMENT	
Computer Hardware	1,600
Workshop Equipment	600
TRAVEL	
Mileage (.25/mile at 4,000)	1,000
Vehicle Rent	300
Airfare (in-state)	
In-state	800
(Juneau, FBX, Kodiak Workshp	
Out-of-state	700
(National Park Service	
Access Workshop)	
Food/Lodging	440
CONTRACT SERVICES	
Consultants	2,000
Workshop Coordinators	2,400
OTHER	
Training	250
Promo/Advertising	500
Printing/Copying	1,500
Resource Materials	250
Miscellaneous	1,200

Total:	46,337

DEAR MEMBERS OF THE HOUSE,

I AM WRITING YOU THIS LETTER TO ASK FOR YOUR SUPPORT TO ALLOW ME TO CONTINUE MY PROFESSIONAL PHOTOGRAPHY BUSINESS. I AM APPAID THE WORDING OF S.B. 87 "SECTION 3 OR 08.54.240 (3)" WOULD MAKE MY OPERATION AN ILLEGAL ONE. MY SERVICE DOES REQUIRE ME TO BE IN THE FIELD TO VIDEO TAPE MY CLIENTS. I IN NO WAY ASSIST WITH THE SHOOTING, STALKING, PURSUIT, OR KILLING OF ANIMALS. AFTER THE SESSION, I HAVE A VIDEO PRODUCTION COMPANY PRODUCE MY MATERIAL INTO AN EDITED VERSION FOR COMMERCIAL SALES. HAVE A COMMERCIAL PHOTOGRAPHY BUSINESS LICENCE FOR THIS. I ALSO HAVE COMMERCIAL USERS PERMITS FROM THE NATIONAL PARK TO OPERATE IN THE PARKS PRESERVE AREA. I AM AN ALASKA RESIDENT, AND I HAVE THREE CHILDREN IN ANCHORAGE SCHOOLS. THE REVENUE I RECIEVE FROM THIS BUSINESS, SUPPORTS ME AND MY FAMILY. PLEASE DO NOT FORBID ME TO CONTINUE TO OPERATE MY BUSINESS. I AM NOT TRYING TO CREATE A LOOP HOLE FOR OUTFITTING. I CAN PROVE THAT I HAVE BEEN OPERATING IN GOOD FAITH IN THE PAST, AS ROBERT BOUTANG OF FISH AND GAME PROTECTION WILL TELL YOU, I AM AN HONEST OPERATOR. I HAVE NO DESIRE TO BREAK THE LAW. I KNOW THERE IS A PROBLEM WITH ILLEGAL GUIDING OPERATIONS, I DO NOT WISH TO ADD TO THE PROBLEM. PLEASE CONSIDER MY REQUEST. IF NEEDED, I REQUEST THAT I MAY CONTINUE TO OPERATE BY A GRANDFATHER RIGHT. I AM SURE THERE ARE VERY FEW OPERATORS LIKE MYSELF THAT CAN PROVE PAST PRACTICE OF THIS SERVICE, BY A PAPER TRAIL. IF I HAVE MISINTERPRETATED THE MEANING OF THIS BILL PLEASE INFORM ME BY WRITING.

THANK YOU

LES KRANK

ALASKA BUSH ADVENTURES

610 W. 91 ST. AVE.

ANCHORAGE, ALASKA

99510

Les Krank

RECENT LETTERS/OTHER COMMENTS ON

CS SB 191 (FIN) AM

RECEIVED APR 28 1988

FISHING AND FLYING
Box 2349
Cordova, Alaska 99574
April 28, 1988

Representative Adelheid Hermann
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Hermann:

This letter concerns SB 191 which involves big game guiding, transporting, outfitting, and hunting. . . obviously, there was some need for a new look at management of hunts. I believe that the Bill successfully addresses the issues. However, I would like to point out a minor problem with the Bill which could become a grave problem.

My concerns are about Sec. 3 (3). . . "guide" or "guiding" means accompanying or being present with, or providing personal service for, a big game hunter in the field. . .
it continues on with "guide" or "guiding" does not include accompanying or being present with a hunter . . . B at a lawfully established cabin or permanent lodge;

We operate a small air taxi and do some outfitting. . . We go through the long, arduous process of obtaining permits for temporary tent camp sites. We are allowed, after the massive paperwork and the necessary fees and the outfitters insurance, to set up camps for use with our guests--and these are hikers, sportsfishermen, and hunters. We are not guides and therefore we simply fly our clients out to the camps, arrange for a pickup time and they are on their own. The advantages to our guests are these:

1. They do not have to bother with bringing all of the camp gear with them. It is all ready for use, and the visitors do not have to worry about shipping things ahead. What a lot of hassle is avoided by flying into an outfitted camp!

2. Obviously, this is not a champagne and lobster setup--and it is a lot less expensive. Our visitors have to be prepared to rough it (if you call a nice dry tent with a wood stove AND bunks roughing it!) and they have to be capable of being on their own in the woods. Obviously, from the time a

person first contacts us, there are a lot of questions asked: if the person requires the luxury route, we direct them to a guide with lodge facilities. But it must be remembered that hunting is a privilege and should not be limited to guided hunts. We must protect the rights of the middle-class hunter, who may be able to afford a tent camp hunt, unguided, but wonderfully Alaskan.

3. When a person goes to an outfitted camp, we know that the person has the right type of camp for the weather and for the area. Often, people elect to provide their own gear. For locals, it works. They know our area and know how to stay dry and warm. For people unfamiliar with an area, it can mean a miserable, uncomfortable time.

Therefore, I would respectfully submit that the SB 191 needs the wording changed to include (B) at a lawfully established cabin, permitted camp, or permanent lodge. Otherwise, we are in danger of a very unfair situation.

Please contact me if I have not explained my thoughts clearly: I know what I'm trying to say, but it may not be very obvious or clear to you. Thank you for your attention to this matter.

Sincerely,

Gayle Ranney

RECENT LETTERS AGAINST

CS SB 191 (FIN) am

DEAR MEMBERS OF THE HOUSE,

I AM WRITING YOU THIS LETTER TO ASK FOR YOUR SUPPORT TO ALLOW ME TO CONTINUE MY PROFESSIONAL PHOTOGRAPHY BUSINESS. I AM AFRAID THE WORDING OF S.D. 191 "SECTION 3 AS OR. 54.240(3)" WOULD MAKE MY OPERATION AN ILLEGAL ONE. MY SERVICE DOES REQUIRE ME TO BE IN THE FIELD TO VIDEO TAPE MY CLIENTS. I IN NO WAY ASSIST WITH THE SPOTTING, STALKING, PURSUIT, OR KILLING OF ANIMALS. AFTER THE SEASON, I HAVE A VIDEO PRODUCTION COMPANY PRODUCE MY MATERIAL INTO AN EDITED VERSION FOR COMMERCIAL SALES. HAVE A COMMERCIAL PHOTOGRAPHY BUSINESS LICENCE FOR THIS. I ALSO HAVE COMMERCIAL USERS PERMITS FROM THE NATIONAL PARK TO OPERATE IN THE PARKS PRESERVE AREA. I AM AN ALASKA RESIDENT, AND I HAVE THREE CHILDREN IN ANCHORAGE SCHOOLS. THE REVENUE I RECEIVE FROM THIS BUSINESS, SUPPORTS ME AND MY FAMILY, PLEASE DO NOT FORBID ME TO CONTINUE TO OPERATE MY BUSINESS. I AM NOT TRYING TO CREATE A LOOP HOLE FOR OUTFITTING. I CAN PROVE THAT I HAVE BEEN OPERATING IN GOOD FAITH IN THE PAST, AS ROBERT BOUTANG OF FISH AND GAME PROTECTION WILL TELL YOU, I AM AN HONEST OPERATOR. I HAVE NO DESIRE TO BREAK THE LAW. I KNOW THERE IS A PROBLEM WITH ILLEGAL GUIDING OPERATIONS, I DO NOT WISH TO ADD TO THE PROBLEM. PLEASE CONSIDER MY REQUEST. IF NEEDED, I REQUEST THAT I MAY CONTINUE TO OPERATE BY A GRANDFATHER RIGHT. I AM SURE THERE ARE VERY FEW OPERATORS LIKE MYSELF THAT CAN PROVE PAST PRACTICE OF THIS SERVICE, BY A PAPER TRAIL. IF I HAVE MISINTERPRETATED THE MEANING OF THIS BILL PLEASE INFORM ME BY WRITING.

THANK YOU

LES KRANK

ALASKA BUSH ADVENTURES

610 W. 91 ST. AVE.

ANCHORAGE ALASKA

99515

Les Krank

RECEIVED APR 25 1988



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

DON GILMAN
MAYOR

April 20, 1988

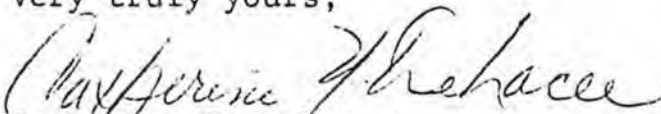
The Honorable Adelheid Herrmann, Chairman
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Chairman Herrmann:

On April 19, 1988, the Kenai Peninsula Borough Assembly adopted Res. 88-38, "Supporting the Formation of a Task Force by the Senate Resources Committee in Regard to Senate Bill 191, and Urging that Equal Representation of all User Groups be Assured" (McGahan). Both Mayor Don Gilman and the Assembly have requested the enclosed copy of the resolution be forwarded to you.

Your review is most appreciated.

Very truly yours,


Catherine Y. DeLacee,
Deputy Borough Clerk

ENC: (1)

Introduced by: McGahan
Date: April 19, 1988
Vote: 12 Yes, 4 No
Action: Amnd, Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 88-38

SUPPORTING THE FORMATION OF A TASK FORCE BY THE SENATE RESOURCES COMMITTEE IN REGARD TO SENATE BILL 191, AND URGING THAT EQUAL REPRESENTATION OF ALL USER GROUPS BE ASSURED.

WHEREAS, considerable controversy has arisen over the harvest of big game in Alaska by all user groups in the sports hunting public; and

WHEREAS, all user groups have recognized that there are inherent problems in this regard that must be resolved; and

WHEREAS, historical evidence shows genuine needs of all user groups; and

WHEREAS, because of the issues involved, the committee substitute for SB 191 would create a task force to try to reach an equitable solution to these issues; and

WHEREAS, the task force will determine the protections needed to preserve and maintain the hunting resources of the state; and

WHEREAS, this task force would include not only members of the guide board, but would require membership and participation by representatives of all groups using the hunting resource; and

WHEREAS, the assembly supports such an effort to reach a solution to this issue; and

WHEREAS, the elimination or unnecessary restriction of any of these user groups could create serious financial hardship on borough residents and businesses;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the assembly hereby expresses its support for the Resources Committee substitute to SB 191 that would create a task force to recommend an equitable solution to questions regarding conflicts between user groups of the sports hunting public.

Section 2. That the Assembly opposes any version of SB 191 or other legislation that would restrict or possibly eliminate any user group until after the Task Force has completed its work and made its recommendations.