

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5016 HRES SB 191 (FILE 2)

588

JUSTIFICATION FOR AMENDMENT # C

One very small group of "iegitimate" outfitters that has been identified is video-photographers. This would allow those video-photographers (there are only a couple on the record) to continue operating. Only a couple will have had a commercial photographer's license for at least year.

JUSTIFICATION FOR AMENDMENT # B

Amendment # B makes it clear that when talking about providing a service to a hunter in the field it means "while" that hunter is in the field. This should clear up any confusion about whether a person who is not a guide can provide a service (such as renting a tent) to a big game hunter before that big game hunter goes into the field.

JUSTIFICATION FOR AMENDMENT # A

By inserting the word "PERMANENT" before "living quarters" it is made clear that someone who rigs up a tent in a skiff, or puts in a make-shift bed can not qualify.

April 18, 1988

2 Representative Adelheid Herrmann and all members of the  
Chairman - House Resources Committee House of Representatives  
P.O. Box 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.

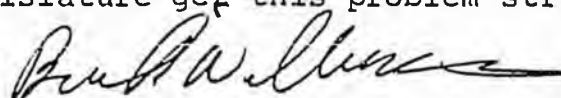
I have played by the rules and came through the ranks the last ten years of my life in the guiding profession. I feel this is a good system and improves every year but doesn't do anyone any good with the so called outfitters raping our resource. Most all of the guides are residents while the so called 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 resource 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 exploitation that I have described. That's why there is a Guide law and that's what I am asking you to tighten up. Guides are responsible to these 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 licensed 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 license!

If you straighten this out, the game animals will be better protected for everyone - resident and subsistence 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 straightened out this Year!

Sincerely,



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 tent 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.

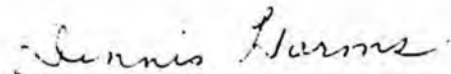
Legal licensed guiding has over a 50-year history. Legal licensed guides are the most controlled and restricted industry in Alaska. The legal guides have gone to great extent to enact laws to help the law enforcement revoke the licenses of those guides who did not respect game resources.

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 we 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 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. SR 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,



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. 1977 "SECTION 3 OR OB. 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 RUSH ADVENTURES

610 W. 91 ST. AVE.

ANCHORAGE ALASKA

99515

*Les Krank*

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HERRMANN

NAME: VERN NOWELL

TITLE:

ADDRESS: 12241 AVION

CITY: ANCHORAGE

ZIP: 99510

PHONE: 345-4417

BILL NO: SB 191

SUBJECT: GUIDE BOARD; BIG GAME GUIDING

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.

POMID: 03133352

DATE: 04/25/88

TIME: 13:33:52

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

COTTEN  
DAVIDSON  
HOFFMAN  
NAVARRE  
PEARCE  
SHULTZ  
SPRINGER  
SUND

#4.  
failed

Amendments to CSSB 191 (Finance) am

by Navarre

\* Sec. 3.

Page ~~8~~<sup>5</sup>, line ~~16~~<sup>2</sup>, amend as follows:

(B) at a lawfully established camp, cabin or permanent lodge;

Page ~~8~~<sup>5</sup>, after line ~~23~~<sup>9</sup>, add the following definitions:

(4) for the purposes of this section,

(A) "in the field" means being physically outside the immediate area of the camp, cabin or permanent lodge, airstrip or landing area necessary for access to a camp, cabin or permanent lodge or a corridor between the airstrip or landing area and the camp, cabin or permanent lodge necessary for transporting material, gear and equipment to and from an airplane;

(B) "personal services" means actively assisting a big game hunter in reconnaissance, stalking, pursuit, killing, dressing out and transporting game in the field, or from the field to a camp, cabin or permanent lodge, "personal services" does not include setting up or taking down a camp, advising a hunter about the dangers of weather or other hazards, supplying the hunter with necessary equipment, training the hunter to use a radio or other equipment, loading or unloading aircraft necessary for transporting a hunter to or from a camp, cabin or permanent lodge.

These changes would clearly illustrate the difference between guides and outfitters, and acts and situations prohibited by law.

\$ 5/1/88

\* C.S. - Amend pending

- \* Dries → Air Taxi Insurance
- letter of dubent
- Camp
- Monetary Consideration
- Goods + Services

\* Chuck Wheeler in Name - call + clarify -  
Could take a few friends out, in a  
Part 91

\* Mark in Ed's amendment

Name / Chuck Wheeler - E.C. Wheeler  
675-4452

Baranof  
586-2660

5-0848D

Hein  
4/29/88

Notes indicate changes from CS SB 191 (Fin)am  
Original sponsors: Coghill and Faiks

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 191 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board and big game  
7 guiding, transporting, outfitting, and hunting and  
8 establishing an interim task force on guiding and the  
9 commercial taking of big game; and providing for an  
10 effective date."

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

12 \* Section 1. AS 08.03.010(c)(20) is amended to read:

13 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

14 \* Sec. 2. AS 08.54.040(a) is amended to read:

15 (a) Except as provided in AS 08.54.045, the board shall

16 (1) prepare, grade, and administer

17 (A) a written and oral examination of an applicant for  
18 a registered guide license that requires demonstration that the  
19 applicant is qualified generally to provide guided hunts and, in  
20 particular, to guide in each game management unit the applicant  
21 has selected; if an applicant demonstrates limited ability to  
22 read or write the English language, the entire examination shall  
23 be administered orally; and

Oral  
exams  
available  
for  
everyone

24 (B) an oral examination of a registered or master  
25 guide who seeks an amendment of a game management unit certifica-  
26 tion; the examination must require demonstration that the guide  
27 is qualified to provide guided hunts in each new game management  
28 unit for which the guide seeks to be certified [EXAMINATIONS,  
29 WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE

1 LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

2 (2) determine qualifications of applicants for licenses and  
3 authorize the issuance of licenses to those who qualify;

4 (3) establish guide performance standards and regulate  
5 activity;

6 ~~Comm~~  
7 X (4) compile, maintain, and publish an annual register of  
8 master and registered guides who have not been convicted of a vio-  
9 lation of a state game or guiding statute or regulation; a guide  
10 listed in the register whose license is revoked or suspended shall be  
11 removed from the register while the guide's license is revoked or  
12 suspended;

13 (5) prohibit guiding activities which are unsportsmanlike,  
14 unethical, unsafe, against principles of conservation, degrading to  
15 the guiding profession, or which adversely affect the natural re-  
16 sources;

17 ~~Comm~~  
18 X (6) after a hearing, revoke, suspend, or deny renewal of a  
19 license in accordance with AS 08.54.200;

20 (7) establish a quota of licensed operating guides who may  
21 operate within designated geographical game units or subunits of the  
22 state and provide for an equitable, reasonable, and consistent pro-  
23 cedure for limiting the number of guides to that quota; preference may  
24 be given to qualified available and willing licensed guides who reside  
25 within the designated game unit or subunit;

26 (8) meet at least twice annually, once in Anchorage and  
27 once in another municipality.

28 \* Sec. 3. AS 08.54.210 is amended to read:

29 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

(1) a master guide, registered guide, special guide, class  
A assistant guide, or assistant guide to fail to timely report to the

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Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, a violation of a state fish, game, or guiding statute or regulation that the guide reasonably believes was committed by a client or an employee of the guide;

(2) a guide to commit or aid the commission of a violation of this chapter or of a state game or guiding statute or regulation or to permit the commission of a violation that the guide knows or reasonably believes is being or will be committed without attempting to prevent it, short of using force, and without reporting it;

(3) a person to guide without having a current valid guide license and resident hunting license in actual possession;

advertising  
as a  
'guide'  
or  
'outfitter'

(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];

(5) a guide to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the guide;

for compensation or hire

(6) a person to transport a hunter to or from the field in an aircraft for which the person does not hold a current valid air taxi commercial operator (ATCO) operating certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135 if the person is providing the transportation or any other big game hunting service to the hunter for compensation, except that it is not a violation of this paragraph if a licensed guide transports a hunter to or from a restricted or joint-use guide area assigned to the guide or to the guide's employer in an aircraft owned by the guide and operated under 14 C.F.R. Part 91;

1           (7) a person to guide without being validly licensed as a  
2 guide under this chapter and as a resident hunter under AS 16;

3           (8) [(7)] an assistant guide to contract to conduct a  
4 guided hunt;

5           (9) [(8)] an assistant guide to be in the field on a  
6 guided hunt except while employed and supervised by a registered or  
7 master guide.

8           (b) A person who violates (a)(1) - (6) [(a)(1) - (5)] of this  
9 section is guilty of a misdemeanor and upon conviction is punishable  
10 by a fine of not more than \$1,000 or by imprisonment for not more than  
11 one year, or by both, and the person's license may be revoked for a  
12 period up to five years. However, a person who engages in guiding  
13 activity during the period for which the person's license is suspended  
14 or revoked under this chapter, or who violates (a)(7) - (9) [(a)(6) -  
15 (8)] of this section, is guilty of a felony punishable, upon con-  
16 viction, by a fine of not more than \$5,000 and by imprisonment for not  
17 less than one year nor more than three years. In addition to punish-  
18 ment for a felony, all guns, fishing tackle, boats, aircraft, automo-  
19 biles or other vehicles, camping gear and other equipment and para-  
20 phernalia used in, or in aid of, guiding activity engaged in during  
21 the period of suspension or revocation may be seized by persons au-  
22 thorized to enforce this chapter and may be forfeited to the state as  
23 provided under AS 16.05.195."

24 \* Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

25           (3) "guide" or "guiding" means accompanying or being pre-  
26 sent with, or providing personal service for, a big game hunter in the  
27 field, personally or through an assistant, for compensation or with  
28 the intent or an agreement to receive compensation; "guide" or "guid-  
29 ing" does not include accompanying or being present with a hunter

- 1 \*permanent<sup>11</sup> inserted { (A) in a boat with permanent living quarters;  
 2 (B) at a lawfully established cabin or permanent  
 3 lodge;  
 4 (C) while providing transportation to or from the  
 5 field, if the persons providing transportation and the persons  
 6 being transported do not stalk, pursue, track, kill, or attempt  
 7 to kill big game; or  
 8 (D) in a camp while attending to horses that are being  
 9 used to transport big game hunters to or from the field;

10 \* Sec. 5. AS 16.05.407(d) is amended to read:

11 (d) A nonresident who violates (a) of this section, or who fails  
 12 to furnish an affidavit under (b) or (e) of this section, is guilty of  
 13 a misdemeanor and upon conviction is punishable by imprisonment for  
 14 not more than one year, or by a fine of not more than \$5,000, or by  
 15 both.

16 \* Sec. 6. AS 16.05.407 is amended by adding a new subsection to read:

17 (e) An applicant for a nonresident big game tag for the taking  
 18 of moose or caribou shall first furnish to the state, on a form pro-  
 19 vided by the state, an affidavit showing where the applicant will be  
 20 hunting and what guiding, transportation, or other big game hunting  
 21 services the applicant will be employing. A person who falsifies an  
 22 affidavit under this subsection is guilty of perjury under AS 11.56.-  
 23 200.

24 \* Sec. 7. AS 16.05 is amended by adding a new section to read:

25 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-  
 26 LATIONS. (a) A person who transports a big game hunter to or from  
 27 the field for compensation, or with the intent or an agreement to  
 28 receive compensation, shall promptly report to the Department of  
 29 Public Safety, division of fish and wildlife protection, and in no

1 event later than 30 days, a violation of a state fish, game, or guid-  
2 ing statute or regulation that the person reasonably believes was  
3 committed by a client or employee of the person.

4 (b) A person who violates this section is guilty of a misde-  
5 meanor and upon conviction is punishable by a fine of not more than  
6 \$2,000 or by imprisonment for not more than one year, or by both.

7 \* Sec. 8. TASK FORCE ON GUIDING AND GAME. (a) The interim task force  
8 on the Guide Board and the commercial taking of big game is established  
9 under the jurisdiction of the legislative council. The task force consists  
10 of the commissioners of fish and game, commerce and economic development,  
11 and public safety, or their designees; two members of the senate appointed  
12 by the president of the senate; two members of the house of representatives  
13 appointed by the speaker of the house; and six members appointed by the  
14 governor as follows: one member of the Guide Board; one big game guide  
15 licensed under AS 08.54 who is not a member of the Guide Board; and one  
16 person engaged in a business, other than guiding, that includes transport-  
17 ing big game hunters to and from the field; and three public members, at  
18 least one of whom has no financial interest in any business involving or  
19 related to the commercial taking of game. The governor shall appoint at  
20 least one member from each judicial district in the state.

21 (b) The task force shall review the operations of the Guide Board and  
22 shall study problems and issues concerning the commercial taking of big  
23 game in the state and the businesses or professions that provide goods and  
24 services to big game hunters in the state. The task force shall submit to  
25 the legislative council, not later than January 15, 1989, a report on its  
26 findings and proposed legislation to address the problems and issues cover-  
27 ed in the report.

28 (c) The task force terminates January 15, 1989.

29 \* Sec. 9. This Act takes effect immediately under AS 01.10.070(c).

PROPOSED AMENDMENT # 1  
CS SB 191 (Finance) am

*Adopted*

*11-20*

On Page 3, Line 15 after "with" inset:

**"permanent"**

PROPOSED AMENDMENT #2  
CS SB 191 (Finance) am

On Page 3, Line 24, Insert new section:

"guide" or "guiding" does not include setting up a camp for a big game hunter, if the person providing this service has departed the camp before a big game hunter arrives at the camp.

Renumber the subsequent sections.

*H. [unclear]*

*S. [unclear]*

PROPOSED AMENDMENT #3  
CS SB 191 (Finance) am

On Page 3, Delete Line 9 - 14 and Replace with:

(3) "guide" or "guiding" means accompanying or being present with a big game hunter in the field, or providing a personal service for a big game hunter while that hunter is in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation.

*Handwritten notes:*  
to be  
D  
...  
...

KF

PROPOSED AMENDMENT # 4      CS SB 191 (Finance) am

PROPOSED AMENDMENT

To CS SB 191 (Finance) am

*12:11 PM  
Lott  
D...  
Passed  
4-2*

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 #5  
CS SB 191 (Finance) am

*Not  
Final*

On Page 3, Line 24, Insert a new (E):

for the purpose of providing commercial photography services to big game hunters if the provider of that service is in possession of a commercial photographer's license and has held that license for at least one year and has been photographing big game hunters for one year.

Renumber following sections.

PROPOSED A M E N D M E N T # 6

Offered in the HOUSE

TO: CSSB 191 (Finance) am

*Cotton not*  
*iff*  
By Cotton

Page 2, line 11, after "if":

Insert "(A)"

Page 2, line 14, after ";":

Insert "or"

Page 2, after line 14:

Insert a new subparagraph to read:

"(B) an owner, operator, or employee of, or a person under contract with a hotel or lodge transports a hunter to or from the field and the

(i) hunter is a guest at the hotel or lodge;

(ii) transportation is incidental to the business of the hotel or lodge; and

(iii) aircraft is operated under 14 C.F.R. Part 91;"

Page 3, line 21, after "game":

Insert "during the transportation"

*by Commerce,  
Div. of Occup  
ational Licensi  
ng  
re: oral exams*

Insert a new bill section to read:

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

(a) Except as provided in AS 08.54.045, the board shall

(1) prepare, grade, and administer

(A) a written and oral examination of an applicant for a registered guide license that requires demonstration that the applicant is qualified generally to provide guided hunts and, in particular, to guide in each game management unit the applicant has selected; if an applicant demonstrates limited ability to read or write the English language, the entire examination shall be administered orally; and

(B) an oral examination of a registered or master guide who seeks an amendment of a game management unit certification; the examination must require demonstration that the guide is qualified to provide guided hunts in each new game management unit for which the guide seeks to be certified [EXAMINATIONS WHICH MAY INCLUDE ORAL EXAMINATIONS OF APPLICANTS WHO DEMONSTRATE LIMITED ABILITY TO READ OR WRITE THE ENGLISH LANGUAGE];

(2) determine qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;

PROPOSED AMENDMENT # 7 Continued

(3) establish guide performance standards and regulate activity;

(4) compile, maintain, and publish an annual register of master and registered guides who have not been convicted of a violation of a state game or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while the guide's license is revoked or suspended;

(5) prohibit guiding activities which are unsportsmanlike, unethical, unsafe, against principles of conservation, degrading to the guiding profession, or which adversely affect the natural resources;

(6) after a hearing, revoke, suspend, or deny renewal of a license in accordance with AS 08.54.200;

(7) establish a quota of licensed operating guides who may operate within designated geographical game units or subunits of the state and provide for an equitable, reasonable, and consistent procedure for limiting the number of guides to that quota; preference may be given to qualified available and willing licensed guides who reside within the designated game unit or subunit;

(8) meet at least twice annually, once in Anchorage and once in another municipality."

Renumber the following bill sections accordingly.

A M E N D M E N T

Offered in the HOUSE

TO: HCS CSSB 191(Resources) (4/29/88 draft)

Page 3, line 20, after "person":

Insert "for compensation or hire"

Page 3, lines 23 - 25:

Delete "if the person is providing the transportation or any other big game hunting service to the hunter for compensation"

Page 3, line 29, after "Part 91;":

Insert "in this paragraph, "for compensation or hire" means receiving any monetary consideration for the transportation, regardless of whether the consideration is directly attributable to the transportation;"

Editorial Opinion and Comment of

FAIRBANKS

# 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.

House Resources Letter of Intent  
For  
CS SB 191 (Finance) AM

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.

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.

The task force should also work to define the definitions of "camp" and "in the field." The Task force should describe what commercial providers should be allowed in "camps" and "in the field."

The task force should also provide further explanation of what constitutes a "boat with permanent living quarters."

The task force should also address the issue of whether fish and wildlife protection officers and other state employees whose responsibilities include managing game resources, or enforcing the state's guiding laws or game management laws, should be able to hold guide licenses or participate in the industry.

The role of federal agencies in managing and permitting commercial uses of federal parks, reserves, and other federal lands has a direct impact in how the state's guide laws are monitored and enforced. The task force is directed to look at the role of federal agencies in monitoring and permitting these activities.

The legislature recognizes that hunting, flying and other travel in Alaska involves certain risks. The task force should look into the issue of who should have insurance, how much and what kind. This includes the issue of what kind of insurance should be required for air taxi operators.

The task force should also look at the role of sled dog hunts, and when dogs should be allowed in camps.



DRAFT ADDITION TO HOUSE LETTER OF INTENT FOR

CS CS SB 191 (RES)

The task force should review the issue of differing requirements for air transportation liability insurance and make a recommendation on the establishment of minimum insurance requirements for guides, lodge owners, and others who are not now required to carry liability insurance.

SECTIONAL ANALYSIS  
CS SB 191 (FIN) Am

Section 1

Extends the Guide Board for one year until June 30, 1989.

(If this extension were not made, the Guide Board would have until June 30, 1989 to wind down their business. If they are not extended beyond June 30, 1989 during the next legislative session then they will have until June 30, 1990 to close up their business.)

Section 2

This is the section in the current law that outlines what is unlawful. The changes are on page 2 to numbers 6 and 9(b).

6) The change under Subparagraph 6 deals with transporters. This amendment makes it so that you have to be a specially licensed pilot in order to transport a hunter or except compensation from them for any other service provided by the transporter in the field. Guides and their assistants are exempt from this provision if they are transporting hunters from their areas.

Most outfitters do not have such a license. Reed Stoops who represents the air carriers association indicated support for the amendment.

9) (b) The changes under this Subparagraph is for the purposes of renumbering.

Section 3

Changes the definition of guide and guiding. Under the new language anyone who accompanies, is present with, or provides a personal service to a hunter in the field (for compensation) is a guide or is guiding.

The only exceptions:

- 1) being in a boat with living quarters; (that is the same as current law to accommodate Kodiak fishermen);
- 2) being at a lawfully established cabin or permanent lodge (basically anything that isn't a trespass cabin. The current law is "at a lodge or base camp"); and;
- 3) while providing transportation if the transporters and those being transported do not stalk, pursue, track, kill, or attempt to kill big game. (this is new language for transporters).
- 4) being in a camp while attending to horses that are being use to transport big game hunters to or from the field.

#### Section 4 & 5

Together these sections make it so that a nonresident hunting moose or caribou needs to file an affidavit with the state that shows where the hunter will be hunting and what guiding, transportation or other big game hunting services the non-resident will be employing. There are strict penalties for non-compliance.

#### Section 6

This section makes it so that "big game transporters" are required to report any fish and game code violations that the transporter believes was committed by a client or an employee. Penalties are set out for violating this statute.

#### Section 7

This section establishes the task force under legislative council.

The Task Force is directed to review the operation of the Guide Board and study the problems related to commercial take of the resource. They are supposed to submit a report on findings and proposed legislation to address the problems by January 15, 1989.

The Task Force terminates on January 15, 1989.

#### Section 8

Immediate effective date.

SENATE LETTER OF INTENT

For

CSSB 191 (Finance)

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

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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.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE C  
UNEAU 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 Sturgulewski  
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

SB 191 SECTION 2

This section sets out unlawful acts for those commercially involved in big game hunting service activities.

Section (a)(6) delineates that those who offer their transportation services for hire must be part 135 certificated, as is currently required under federal law.

The section additionally provides that guides, who use aircraft in their hunting operations, even though they don't charge for flying (the flying is free, incidental to the basic charge for field or guiding services) must limit their use of aircraft for transporting hunters first, to their own aircraft and secondly, to their own restricted or joint use areas.

It is a policy call, which precludes guides from "outfitting" in areas other than their own, ensures that they are flying aircraft with which they are intimately familiar in limited areas with which they are familiar.

The purpose of Section 2 is not just to ensure safe flights. Part of the purpose of section 2, and of the legislation, is to clarify that only guides are allowed to offer and charge for hunting services in the field. Others then, who cannot charge for such services, yet who are conducting "drop off" hunts must then be primarily offering air transportation services for which current federal law, and now this state statute, require a part 135 certificate.

Using the operative requirements of FAA part 135 regulations this section clarifies in practice, concept and law, that guides, as pilots, do not take passengers or property for hire (that being incidental) while others who charge primarily for air transportation do, and must therefore be part 135 certificated.

Transporters, air taxis and guides are not similarly situated relative to flying activities.

Guides, by concept and design of state statute and guiding regulations, must confine themselves to a limited number of clients. Transporters may, and frequently do, handle large volumes of passengers since their primary service is air transport.

Guides must limit their operation to small areas with which they are familiar. Transporters are licensed and can operate throughout Alaska.

Guides must, as per the statute, use their own aircraft, transporters can fly any aircraft, whether they are familiar with it or not.

One of the purposes of this bill is to ensure that those involved in facilitating commercial harvest of big game resources be well regulated to ensure proper conservation, as well as public health and safety. Section 2 of the bill helps meet this purpose by requiring that those who are involved commercially be regulated either as air taxis, or under the guide laws of the state. Currently one segment of the commercial industry is dodging, or doing an end run, around both sets of regulation. This section would help close that loophole.

CONSTITUENT COMMENTS

Joe Klutch (King Salmon)  
In support

Mike Denuet (sp?) (Pope Vannoy)  
In support

David "Buck" Williams (King Salmon)  
In support

Scott Deslauriers (King Salmon)  
In support

Thomas Karshekoff (Nondalton)  
In support

Dennis Harms (Chugiak not Dist. 26)  
In support

Dicky Deigh (Egegik)  
In support

Dan Salmon (Igiugik)  
In support

RECEIVED APR 1 1988

TELECOPY COVER SHEET  
FAIRBANKS INFORMATION OFFICE  
- 907-452-4448

TO: Jms

FOR: House Resource Rep. Hermann (chair) PHONE: 465-3715

FROM: H.C. "Bud" Wise PHONE: 456-5441

INSTRUCTIONS: Written testimony for HRES T/C-5B191  
4/30/88

DATE/TIME SENT: 4/30/88 SENT BY: Fran

PLEASE ACK. RECEIPT: \_\_\_\_\_ HOLD FOR PICK-UP: \_\_\_\_\_

NUMBER OF PAGES: 1 (NOT COUNTING COVER SHEET)



# Alaska State Legislature

Please enter into the record my testimony to the \_\_\_\_\_  
 committee name

committee on SB 191, dated April 30, 1988  
 bill/subject

I support SB-191 - but it has to be more restrictive for this coming season until the Task Force Report is in.

My resume is over 47 years in Alaska. Over 40 years active in sports men organizations. About 10 years on the guide board, part as a non-guide and part as a guide - and for over 40 years Fish & Game has accounted for about 99% of our meat.

During these 40 plus years, competition for these resources has continued to grow, and to add more pressure on this resource, we continue to lose access and land open to the public for hunting and fishing.

The commercial use of big game hunting brought about the guide bill and the guide board to license and control the industry. The effect was standards and responsibility for the guides to follow for their clients and the resource. Though not perfect, it has allowed the industry to survive and stopped most of the abuse of the resource. The problem I hear most with the guiding control system is that it's restrictive for additional guiding operations. But this is true in most cases where there is commercial use of a limited resource. There is or has to be a limiting factor.

It is my belief that any and all services, outside of "Air Taxi", be controlled under one Agency, and until something better comes along, that should be the guide bill.

Signed: *Eud Wiese* v. C. (Eud) Wiese

Testifier

*self*  
 Representing (Optional)

126 Second Avenue, Fairbanks, Alaska 99701

Address

456-5441

Phone No.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
307 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

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Senator Arliss Sturgulewski  
Page 2  
April 29, 1988

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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

STEVE COWPER, GOVERNOR

**DEPARTMENT OF LAW**

OFFICE OF THE ATTORNEY GENERAL

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.

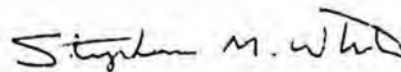
Because the bill has an immediate effective date, Section 3 would necessarily alter the commitments of any transporter who already had contracted to provide that type of service. Both the federal and the Alaska constitution prohibit laws "impairing the obligation of contracts." U.S. Constitution, Article 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

## 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. 29-4
- 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.

## 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.
- 91.89 Operation at airports without control towers.
- 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.
- 91.104 Flight restrictions in the proximity of the Presidential and other parties.

## VISUAL FLIGHT RULES

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

## INSTRUMENT FLIGHT RULES

- 91.115 ATC clearance and flight plan required.
- 91.116 Takeoff and landing under IFR.
- 91.117 [Reserved]
- 91.119 Minimum altitudes for IFR operations.
- 91.121 IFR cruising altitude or flight level.
- 91.123 Course to be flown.
- 91.125 IFR radio communications.
- 91.127 IFR operations; two-way radio communications failure.
- 91.129 Operation under IFR in controlled airspace; malfunction reports.

## 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.

## Sec.

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

## Subpart D—Large and Turbo-Powered Multiengine Airplanes

- 91.181 Applicability.
- 91.183 Flying equipment and operating information.
- 91.185 Familiarity with operating limitations and emergency equipment.
- 91.187 Equipment requirements: Over-the-top, or night VFR operations.
- 91.189 Survival equipment for overwater operations.
- 91.191 Radio equipment for overwater operations.
- 91.193 Emergency equipment.
- 91.195 Flight altitude rules.
- 91.197 Smoking and safety belt signs.
- 91.199 Passenger briefing.
- 91.200 Shoulder harness.
- 91.201 Carry-on baggage.
- 91.203 Carriage of cargo.
- 91.205 Transport category airplane weight limitations.
- 91.209 Operating in icing conditions.
- 91.211 Flight engineer requirements.
- 91.213 Second in command requirements.
- 91.215 Flight-attendant requirements.

## Subpart E—Operating Noise Limits

- 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 (§ 91.55)

## Sec.

## APPENDIX C—OPERATIONS IN TERRITORY (NAT) MINIMUM PERFORMANCE SPECIFICATIONS SPACE

AUTHORITY: 49 U.S.C. 1301(c) 1348, 1352 through 1355, 1401, 1431, 1471, 1472, 1502, 1510, 1511 through 2125; Article 12, 29, of the Convention on International Aviation (61 Stat. 1180); 42 USC, E.O. 11514; 49 U.S.C. 1002 Pub. L. 97-449, January 12, 1982

SOURCE: Docket No. 1580, FR 6704, June 29, 1963, unless noted.

## 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 a copy of such record shall be available for at least 30 days after the date of carriage or operation.

(b) This section does not require a particular method of recordkeeping, but records shall be maintained in a manner that shall be readily accessible and available for examination, and 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 is directed to section 5(b) of the United Nations Convention on International Civil Aviation Act of 1944 (22 U.S.C. sec. 1901) which provides in part:

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

FISCAL NOTE

REQUEST:

Revision Date: 3/11/88  
Title: An act relating to the Guide Board and Establishing a Task Force on Guiding  
Sponsor: Coghill & Faiks  
Requestor: \_\_\_\_\_

Agency Affected: Fish and Game  
BRU: Game  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This analysis includes personal services costs to prepare for and participate in 3 meeting of the Guide Task Force in Anchorage per year and 3 teleconferences. These costs will be borne by existing personnel; no additional costs anticipated.

Prepared by: Donald E. McKnight Phone: 465-4190  
Division: Game Date: 3/11/88

Approved by Commissioner: *Norman G. ...* Date: 3/11/88  
Agency: Fish and Game

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: CSSB 191 (Fin)

Publish Date: Senate 3/31/87

REQUEST  
Revision Date: \_\_\_\_\_  
Title: "An Act amending the defini-  
tion of big game guiding.."  
Sponsor: Senator Coghill  
Requestor: Senate Resources

Agency Affected: Public Safety  
BRU: Fish & Wildlife Protection  
Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.



Prepared by: Kyle Weaver Phone: 269-5539  
Division: Fish & Wildlife Protection Date: 3/23/87

Approved by Commissioner: William R. Nix Date: 3/24/87  
Agency: Public Safety

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 191 (F-1)  
PUBLISH DATE: Senate 3/31/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: CSSB 191 (Finance)  
An Act relating to the Guide Board...  
Sponsor: Senator Coghill  
Requestor: Senate Finance

Agency Affected: Legislative Affairs Agency  
BRU: Legislative Council

Components: Council and Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	10.9	0	0	0	0
CONTRACTUAL	0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	12.9	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	12.9	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	12.9	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

The Task Force on Guiding and Game is established under the jurisdiction of the Legislative Council Committee. The Task Force is composed of thirteen members, three from the Executive Branch, four legislators from the Legislative Branch, and six public members appointed by the Governor.

Prepared by: Pamela A. Stoops, Manager  
Division: Administrative Services

Phone: 465-3850  
Date: March 29, 1988

Approved by: Warren Endicott  
Executive Director  
Agency: Legislative Affairs Agency

Date: March 29, 1988

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION OF FISCAL ANALYSIS

It is assumed that travel funds for this task force will be paid as follows:

3 Executive Branch members - absorbed within existing executive branch departments.

4 Legislative Branch members --absorbed within existing Legislative Operating Budget.

6 Public members - paid by Legislative Council funds as projected below.

Projected expenses for the Task Force on Guiding and Game are as follows:

Personal services - Staff for the Task Force will come from existing staff under the Legislative Operating Budget.

Travel	- 3 trips @ 366 x 6 members	= 6,588
	3 days per diem (\$80)	
	3 trips x 6 members	= 4,320
Contractual	- Transcription of meetings	1,000
	Printing and binding of report	1,000
Supplies	- Will come from existing Legislative Council and Legislative Operating supplies.	
Equipment	- Will come from existing Legislative Council and Legislative Operating equipment.	

FISCAL NOTE

REQUEST:

Revision Date: 3/14/88 Agency Affected: Dept. of Commerce  
 Title: An Act relating to the Guide Brd., the taking of big game, & services to hunters BRU: Occupational Licensing  
 Sponsor: Senate Resources Committee Components: Administration  
 Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		65.1	9.0	9.0	9.0	9.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		65.1	9.0	9.0	9.0	9.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		65.1	9.0	9.0	9.0	9.0
---------	--	------	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		65.1	9.0	9.0	9.0	9.0
TOTAL		65.1	9.0	9.0	9.0	9.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		1.0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by RPB Randall P. Burns Phone: 465-2535  
 Division: Occupational Licensing Date: 03/30/88  
 Approved by Commissioner: Larry Marshall for Anthony Smith Date: 3/30/88  
 Agency: Department of Commerce & Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Senate Bill 191

The attached two letters regarding this fiscal note are fully explanatory of the problem and the proposed approach to solve the Guide Board's mapping problems. This page summarizes the proposed plan:

First, the Division of Occupational Licensing will RSA the sum of \$23.5 to the Department of Natural Resources' Division of Management, Cartography Section, to provide the Guide Board with revised and updated maps.

Second, the Division of Occupational Licensing will contract with an arbitrator from the American Arbitration Association to fund a series of arbitrations on the guide areas currently permitted in each of the twenty-six (26) game units. The estimated cost of this project is \$41.6.

Finally, the Division of Occupational Licensing will, annually, provide \$9.0 to DNR's Cartography Section to continue the process of updating the Guide Board's display maps.

The entire cost of this fiscal note will be borne by an increase in the licensing fees of licensed guides. The increase in fees for FY 89 will be \$45.00, or \$22.50 per year. This increase will only be necessary for one year, unless the Guide Board subsequently seeks approval of an executive secretary position, in which case the fees would stay at the increased level permanently. The amount needed to fund the ongoing updates by DNR will necessitate a minimal uncrease of \$7.00 in a guide's biennial licensing fee.

There are currently 1,446 licensed guides in Alaska. The fee increase of \$45.00 will bring in \$65.1 in program receipts, which will fully fund the proposed mapping projects.

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.



# Alaska State Legislature

## Senate

Official Business

April 22, 1968

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.

TELEX NO: 147118  
AnswerBack: HUNT REPORT NY



FRUMI

*Alaskan Trophy Hunting*



A MONTHLY NEWSLETTER

"SERVING THE HUNTER WH

**DICK GUNLOGSON**

PROFESSIONAL HUNTER  
MASTER GUIDE

BOX  
193

WILLOW, ALASKA  
99888

PHONE  
19071 488-8434

### DATELINE: 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, Chris Durr.)*

**M**ost 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 Tagayawik rivers. Very high moose densities can also be found in Unit 24, especially in the Koryukuk 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

①

## "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 river-bottoms. 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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Ken Nowicki	Jim Zumbo

## ARTIST

Gordon Allen

The Hunting Report is a newsletter for the active hunter/conservationist who travels in search of the world's best hunting, and who is deeply involved in efforts to save that hunting for future generations. The Hunting Report is not a booking agent, nor is it affiliated with a booking agent, outfitter or guide. All recommendations contained herein are based on the best information available. The Hunting Report is published monthly by The Hunting Report, Inc., G.P.O. Box 1742, New York, N.Y. 10116. A one-year subscription costs \$60/year. Single copies cost \$7.50. For airmail delivery to all foreign countries except Canada and Mexico add \$21/year. Foreign subscribers send US BANK DRAFT or charge subscription to American Express card. Convertible foreign currency checks from Europe, Japan, Canada and Australia are acceptable. Please send in local currency the equivalent of \$87 US to cover check-clearing charges. Canadian subscribers send local currency equivalent of \$66 US. Send editorial queries and manuscripts to The Hunting Report, G.P.O. Box 1742, New York, N.Y. 10116. Attn: Don Causey. For subscription information use same address. Attn: Cathy Bell. Content copyrighted © 1988 by The Hunting Report. Material herein may not be reproduced without permission of The Hunting Report. Tel. 212-929-7152. Telex 147118. Answerback, HUNT REPORT NY

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

# 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).

April 11, 1988

- ° 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.

*My  
approval*

- ° 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 RESOURCES  
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.

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

RECEIVED JAN 20 1988

# Alaska State Legislature

REPRESENTATIVE BILL HUDSON

P.O. BOX V  
Juneau, Alaska  
99811  
(907)465-3744 or 4991

COMMITTEES

Transportation  
HESS  
Telecommunications  
Fisheries  
International Trade

January 18, 1988

Representative Adelheid Herrmann  
Alaska State Legislature  
Juneau, Alaska

Dear Adelheid:

Enclosed is a copy of HB 331, relating to the Game Board and game guiding in Alaska, together with the sectional analysis of HB 331.

Your comments would be most appreciated.

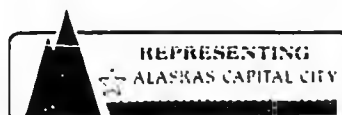
Once you have had a chance to review the enclosed, I'd be very interested in meeting with you to discuss the legislation.

I will be truly grateful, Adelheid, for your insight.

Respectfully yours,

  
Bill Hudson

Enclosures



RECEIVED JAN 20 1988

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
937 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 15, 1988

SUBJECT: Sectional analysis of HB 331  
TO: Representative Bill Hudson  
FROM: Edward H. Hein  
Legislative Counsel

Section 1 provides that the governor shall designate the chairman of the Guide Board, rather than having the board members elect a chairman as they currently do.

Section 2 prevents the Guide Board from considering evidence of shortage of game in a district when ruling on a guide's request to transfer to another district.

Section 3 directs the Guide Board to establish restricted (exclusive) guide areas in every game management unit if that would improve or maintain the quality of hunts and would be consistent with sound conservation policies.

Section 4 requires the Guide Board to transfer a guide area to the person recommended by the guide to whom the area is currently assigned, so long as that is not contrary to the public interest. Under existing law the board need not follow the guide's recommendation even if consistent with the public interest.

Section 5 adds four new provisions that: (1) require that the board approve only transfers of whole guide areas, rather than transferring portions of them; (2) allows guides who are jointly sharing portions of a guide area to remove those portions from joint use by presenting their written agreement to do so to the board; (3) prohibits the board from changing the boundaries of a guide area while a petition for transfer of the area is pending before the board; and, (4) requires the board, when assigning a guide area whose boundaries have been redefined by the board, to use the standard criteria, point system, and factors the

board uses in assigning other restricted guide areas.

Section 6 makes it unlawful for anyone but a registered or master guide to advertise or represent themselves as being a guide; restricts use of the title "outfitter" to guides to whom a restricted guide area is assigned. Sec. 6 also makes it unlawful to compensate or agree to compensate someone to guide without a guide license and hunting license. All three offenses would be class "A" misdemeanors. Sec. 6 also removes the requirement that a guide possess a resident hunting license; a nonresident license is sufficient.

Section 7 is identical to Sec. 3 of CSSB 191(2d Res). This section redefines the term "guiding" so that it would be unlawful for a person to be paid to be "in the field" with a hunter, or to provide an established camp to a hunter, unless the person is a licensed guide. The definition provides for three exceptions; a person is not guiding if the person is paid to be with a hunter in a boat with living quarters; at a permanent lodge or structure; or while transporting people to and from the field, as long as the passengers don't hunt along the way.

Section 8 is a duplicate of Sec. 4 of CSSB 191(2d Res). This section adds a definition of "compensation" for purposes of the definition of "guiding."

Section 9 amends AS 16.05.407, which requires nonresident hunters to be accompanied by a licensed guide while hunting certain big game animals. This section of the bill adds moose, black bear, and goat to the list. Sec. 9 also eliminates the exception for nonresidents who hunt with Alaskan relatives instead of a guide. Sec. 9 also requires nonresident walrus hunters to be accompanied by a licensed marine mammal guide or assistant.

Section 10 removes the Guide Board from the state conflict of interest law, AS 39.50.

Section 11 annuls three regulations of the Guide Board, but the section references are incorrect. These should read "12 AAC 38.200(f)(1)(C), 12 AAC 38.260(e), and 12 AAC 38.-280(d)(1)." The sections were recently renumbered. The first regulation requires a guide who seeks to transfer to another restricted guide area to present any of five pieces of evidence that the guide will suffer substantial hardship if not allowed to transfer. In keeping with the provisions of Sec. 2 of the bill, this regulation is included for

Representative Bill Hudson  
Page 3  
January 15, 1988

annulment. The second regulation is inconsistent with the provisions of Sec. 4 of the bill and, therefore, is included for annulment. The third regulation would be superseded by the joint-use agreement provisions in Sec. 5 of the bill, at page 2, lines 14 - 17.

Section 12 provides for an effective date.

EHH:bb  
WKB1/059

561-2878

Randall Burns

Area office

465-2535

6-3678

Shack

- 1 + 6  
- A.C.  
- 600 Main



TELL AD NOT TO  
LET HB ON MOOSE  
HUNTING GO DOWN.  
REQUIRES ALL NON-  
RESIDENTS TO HAVE  
GUIDE.

P.O. Box 6469 Abilene, Texas 79608 (915) 695-0910

3/21 - 3/29

Atchafalaya

Randall

Barns

+  
teleconference

Not 10:30t

*Hein*  
3-10-88

↓  
*Coghill*

Original sponsors: Coghill and Faika

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 191 (3d Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board, the taking of  
7 big game, and businesses or professions that provide  
8 goods and services to big game hunters; and providing  
9 for an effective date."

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

11 \* Section 1. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

13 \* Sec. 2. TASK FORCE ON GUIDING AND GAME. (a) The interim task force  
14 on the Guide Board and the commercial taking of big game is established.  
15 The task force consists of the commissioners of fish and game, commerce and  
16 economic development, and public safety, or their designees; two members of  
17 the senate appointed by the president of the senate; two members of the  
18 house of representatives appointed by the speaker of the house; and four  
19 members appointed by the governor as follows: one member of the Guide  
20 Board; one big game guide licensed under AS 08.54 who is not a member of  
21 the Guide Board; one person engaged in a business, other than guiding, that  
22 includes transporting big game hunters to and from the field; and one  
23 public member.

24 (b) The task force shall review the operations of the Guide Board and  
25 shall study problems and issues concerning the commercial taking of big  
26 game in the state and the businesses or professions that provide goods and  
27 services to big game hunters in the state. The task force shall submit to  
28 the legislature, not later than January 15, 1989, a report on its findings  
29 and proposed legislation to address the problems and issues covered in the

1 report.

2 (c) The task force terminates January 15, 1989.

3 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).  
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330  
Keep in mind

• All Senate Minutes on this Issue

1 Guides <sup>in their</sup> ~~Taxes~~ would contract out - We could let this w/ a limit.... As many areas as guides...

2 Cap on Permit outflows w/ cap on how many could be permitted

3 Get Some \$.....

4 History on why Transporters were taken out

FRIDAY - 18th me + Sam + Ned - agenda  
Hearings 25th + 28th - Committee only Noted

Packet for Sam

Senate Minis.

Bills

Letter of Intent

Get ~~Minutes~~ Transcripts in order Ad will work  
for H. Reserves

→ System the fede. are using - get this in ~~figuring~~ writing.

→ Kodiak has a good system

→ Sara Scannlin | Beth Stewart Game Board on  
TMS

→ F + G info. she hopes it's in the minutes w/ how  
information is provided

\* ~~Ed~~ Ed residency memo  
Check Wyoming + other States  
about requiring res. guides...

# Alaska

RECEIVED MAR 11 1988

## Professional Hunters Association, Inc.

P.O. Box 91932 • 301 E. 77th • Anchorage, Alaska 99509  
(907) 522-3221

Dear Governor Cowper,

I understand that you are aware of the bill that Don Young introduced (H.R.623) in 1987. It is a bill to amend the ANILCA to provide for monetary compensation to Professional Registered Guides in Alaska for loss of income resulting from the Alaska Lands Act.

Most of these guides that I know, had held some hope that the efforts of Senators Stevens and Murkowski, in 1982, to redesignate some of the land and remove it from Park status, or at least allow continued sport hunting would sometime become effective. Though a bill was introduced at the same time to compensate the guides, most would have much preferred to have their old hunting areas back in preference to compensation. Consequently only a few with clear vision such as Bud Helmerick, Lynn Castle, and a few of the officers of our Alaska Professional Hunters Association, put much effort into tracking the bill. It was easy to track because it did not go anywhere!

It has now become obvious that none of us will live long enough to see sport hunting return to any of these areas. In fact several of our fellow losers have gone to the "Big Hunting Ground in the Sky" and will never know the outcome. Their only consolation is that they arrived there before Jimmy Carter and should still be able to enjoy the greatest safari of all!

With knowledge that we will never get any of our areas back, we are now prepared to pursue a legislative and or judicial solution. As aggrieved guides facing the reality of our situation we have organized. Guides have historically been about as orderly as a pack of wolverines, but the recent cooperation has been overwhelming. I guess they are all getting old and tired of getting kicked around and like an old dog in the corner ready to fight back.

HB 623 has received no opposition. The greatest obstacle is the small number of us (69) that are affected by it. It is difficult to get a bill that serves so few, very much attention in Congress, especially in light of budget restraints. We hope to appeal to Congress' sense of morality as the legality of compensation is well spelled out.

We urge you as our governor to support us in this effort. With your legal background it would be presumptuous of me to quote the law, however I would like to reaffirm that several of the paramount purposes of the U.S. Constitution are the protection of property rights and personal liberties.

The initial powers of Congress were to be limited and it's authority tightly drawn in the constitution; state legislatures were to protest any usurpations there by further limiting it's authority. However, history reveals that the powers of Congress have become virtually unlimited. Congress routinely enacts statutes intruding into virtually all dimensions of public life.

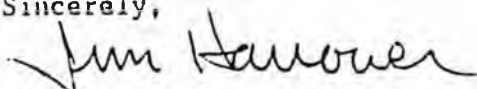
Page 2, cont.

In this situation however, Congress is not only obligated to the guides that were displaced, but to the State of Alaska as well. States have argued that the tenth amendment forbids the bargaining away of sovereignty over areas of traditional state domain, just as they cannot by contract or otherwise bargain away power to regulate private parties in the public interest.

It is our full intention to seek relief through Congress with the hope that a legislative solution can be achieved. In the meantime the Pacific Legal Foundation has agreed to research the law as it applies here and advise us on the merit of filing a suit based on loss and devaluation of personal property as well as loss of concessionary rights.

We are hopeful that with your support and a sympathetic Congress that a judicial solution will be unnecessary, and that this issue that has haunted us for ten years will be finally put to rest.

Sincerely,

  
Jim Harrower

cc. Senator Ted Stevens  
Senator Frank Murkowski  
Honorable Don Young  
Bud Helmricks



# United States Department of the Interior

## NATIONAL PARK SERVICE

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



IN REPLY REFER TO:

C38(ARO-OC)

29 JAN 1988

Honorable John B. "Jack" Coghill  
Chairman, Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Senator Coghill,

As the resource committee hearings on Senate Bill No. 191 will be convening in the near future, Senator Fanning asked us to offer comments for consideration. His request came as the result of a meeting with my concessions staff on January 6.

We are pleased to see the state recognize the problems which can arise by not having a clear definition of "guiding" for the purposes of hunting. We would, however, like to encourage a more restrictive definition than the one proposed. We recommend deleting the word "established" when referring to camps on page 3, line 7 of the bill. The use of the term "established" connotes permanent camps as opposed to temporary camps. The impacts of outfitting for hunting when a camp goes up with the client and down with the client, or when a camp goes up for just several weeks, are not necessarily less than those of an established camp. It has been our experience that the duration of the camp does not, in itself, distinguish between guiding and outfitting. It is the actions of the operator and the management of the camp that makes the distinction.

It has not been our policy to allow outfitting for hunting in the Alaskan national preserves. Unlike many government agencies, we do have the discretion to determine if a commercial activity is both "necessary and appropriate" relative to the purpose of the area. Our current stance will allow any private individual who has the knowledge and expertise to provide his own camp and hunt without a guide. Unguided persons may still rent equipment and charter an air taxi service to transport them to the field, but should be completely self-sufficient in the field. We feel those individuals who are not capable of taking care of all their needs in a wilderness setting are a risk to themselves and to others and probably should hire a registered guide to provide the needed services.

In addition to our concerns for visitor safety, we feel authorization of outfitting of hunting parties within a registered guide's area could have a significant negative impact on that guide's operation and the resources in the unit. Uncontrolled outfitting could lead to overharvesting of game within a guide area. The incentives to practice good game management are less for outfitters than for guides since it is the guides

who have a long-term stake in a guide area. When the game is depleted in an area, the outfitter simply moves on; the guide cannot.

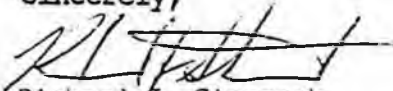
Another issue of concern addressed in the bill is on page 2, lines 16 and 17, whereby it is unlawful for "a person to compensate or agree to compensate another person for guiding..." without being validly licensed as a guide. It seems unrealistic to expect the consumer to be knowledgeable of AS 08.54.210 (a)(9). Keep in mind one of the reasons people hire registered guides is for their knowledge of the game laws. If consumers are duped into believing they have contracted with a legitimate guide, should the state hold the consumers liable?

One last item of concern centers around pilots knowingly dropping hunting parties off in areas closed to hunting. The addition of a statement such as the following would place accountability on air taxi pilots: "It is unlawful for a person to aid and abet a hunting violation by knowingly transporting persons for the purpose of hunting, into areas closed to hunting."

After discussing the various issues and possible resolutions, with our staff and several guides, it seems a simple and viable means to control the conflicts between outfitting and hunting would perhaps be the reinstatement of the transporter license. We found the transporter license to work well with our system of permitting commercial activities and would support its return.

Thank you for the opportunity to comment.

Sincerely,



Richard J. Stenmark  
Regional Director

Acting

GUIDE/OUTFITTER MEETING OF JANUARY 7, 1988

IN ATTENDANCE:

Nick Peirskalla, President, Alaska Outfitters Association  
Phil Driver, President, Alaska Professional Hunters Association  
Brent Jones, Secretary-Treasurer, Alaska Professional Hunters Association  
Jay Massey, Alaska Outfitters Association  
Charlie Wilcox, Treasurer, Alaska Outfitters Association  
Rocky Keen, Alaska Professional Hunters Association  
Nelson Stimaker, Alaska Professional Hunters Association  
Mel Gillis, Alaska Professional Hunters Association  
Ed Grasser, Vice President, Alaska Professional Hunters Association  
Wayne H. Walters, Alaska Outfitters Association Spokesman  
Vice-President, Fairbanks Chapter AOA  
Ken Fanning, Alaska Professional Hunters Association  
Michael J. Triolo, Alaska Outfitters Association

On January 7, 1988, representatives of the Alaska Professional Hunters Association met with representatives of the Alaska Outfitters Association to explore areas of possible common ground relative to ensuring regulation of commercial utilization of our big game resources in Alaska. The meeting was held in the Senate Conference Room at the Anchorage legislative offices.

This particular meeting represented a landmark of progress in that it was the first time that the major recognized statewide organizations representing both sides agreed conceptually on several basic principles that should be included in statute.

Representatives at that meeting, and by this report, recognized that many individuals who are not members of these two organizations, and even some of their members, are not likely to be satisfied or pleased with any "compromises" or agreements, such as those discussed.

It was recognized that complete agreement is extremely remote, in that some of the desires of each group of commercial resource users are mutually exclusive.

Discussion did not concentrate on the "non-negotiable" differences; rather, it centered on areas of agreement or possible areas of agreement.

A brief discussion of the history, introduction and movement of SB 191 and HB 183 ensued, as well as a discussion of pre-filed bills and potential legislation which would place

some or all big game species on the guide-required list as a simplified alternative.

APHA noted that at its annual member meeting in December 1987 the members voted to support "guide-required" legislation as perhaps the best and simplest solution. APHA considers SB 191 in its "best" form, as compromise legislation.

The Alaska Outfitters Association noted that it was working on different versions of draft legislation, and that it had some various other states' legislation, and was requesting others. Additionally, various Canadian provinces had been contacted to review their respective situations. They may choose to introduce additional legislation.

Both organizations felt a desire to "control their own" regulatory structure through either separate or common boards with equal representation, whose functions among others would be to license and regulate all groups that are involved in providing services to big game hunters on a commercial basis. Leaders of both groups recognize unacceptable abuses of our fish and game resources as well as dismal business practices which reflect poorly on our state by certain segments of the hunting service industry. As in many instances, bad apples appear to be creating a black mark for all. Prevalent among the abusers seem to be non-resident "outfitters" and previously-registered guides who have lost their licenses through illegal practices, and are now "outfitting." Additionally, it is obvious that others, including quick buck artists, be they resident or non, are guiding illegally and/or outfitting illegitimately, or in a manner inconsistent with proper game conservation and good business practice.

ALL PARTIES PRESENT AGREED UPON THE FOLLOWING:

- 1.) Everyone involved in the commercial activity of assisting big game hunters - guides, transporters, gear providers, air taxis, etc - should be licensed and regulated as such. (Currently, "transporters," "providers," and "outfitters" are not so licensed).
- 2.) All groups should be held equally and legally liable and responsible for known game violations by their clients or employees. Additionally, those who provide transportation or food or equipment should be comparably held responsible for providing for reasonable safety and comfort and accurate and proper advertising and business practices. (Current law requires this of guides).
- 3.) All businesses providing services to hunters as discussed should have signed contracts, accurately describing the services offered. (Current law requires a "SFR" contract by guides).