

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
5462 SRES SB 191 - SB 196

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The board in its discretion may either decide to take no further action and the results of such investigation shall remain confidential, or the board may decide to initiate proceedings to suspend or revoke the license of the outfitter or guide against whom a complaint has been filed, in which case the board shall set a time and place for hearing as provided in section 67-5209, Idaho Code. Notice of such hearing shall be given to the licensee against whom accusations have been filed not later than sixty (60) days after the filing of such accusations. If, after full, fair and impartial hearing, the majority of the board shall find the accused has committed the violations alleged, the board may suspend the license for a period not to exceed one (1) year, or the board may order the license revoked. The board shall forthwith suspend or ~~revoke~~ such license in accordance with and pursuant to its order under the procedure established by sections 67-5209 through 67-5214, Idaho Code.

(b) Any applicant aggrieved by a denial of his application in whole or in part for an outfitter's or guide's license by the board shall have twenty (20) days from the day of receiving such notice of denial in which to submit a written request for a hearing before the board to review such action. Upon receipt of such request, the board shall hold a hearing as provided in sections 67-5209 through 67-5214, Idaho Code.

36-2115. REVIEW OF BOARD ACTION. Any person aggrieved by any action of the board in denying the issuance of or in the suspension or revocation of an outfitter's or guide's license may proceed as provided in sections 67-5215 and 67-5216, Idaho Code.

36-2116. COMPLAINT FOR VIOLATION -- PROSECUTION BY COUNTY ATTORNEY. (a) The board or its designated agent may prefer a complaint before any court of competent jurisdiction in the county where the offense occurred, for a violation of: (i) the provisions of subsections (1), (2), (7), (8), or (9) of section 36-2113, Idaho Code; or (ii) any regulation promulgated pursuant to subsection (d) of section 36-2107, Idaho Code.

(b) Any person convicted of any violation enumerated in subsection (a) of section 36-2116, Idaho Code, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 36-2117, Idaho Code. Fifty percent (50%) of all fines and forfeitures collected shall be paid to the outfitters and guides board and such moneys so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitters and guides board account and fifty percent (50%) of all fines and forfeitures collected shall be distributed in accordance with section 19-4705, Idaho Code.

36-2117. PENALTY FOR VIOLATIONS -- PROSECUTING ATTORNEY TO PROSECUTE. (a) It shall be the duty of the prosecuting attorney of each county in the state to prosecute, in the county where the violation occurs, any person charged with violating the provisions of section 36-2104 or 36-2116, Idaho Code.

(b) Any person convicted for violating the provisions of this chapter shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for a term not to

exceed ninety (90) days, if other than a corporation, or by both such fine and imprisonment in the discretion of the court. All fines and penalties collected for violation of this section, under sentence or judgment of any court, shall be paid over by such court in the same manner as provided for in section 36-2116, Idaho Code. Such court shall also send to the Idaho outfitters and guides board a statement setting forth the title of the court and of the cause for which such moneys were collected, the name and residence of the defendant or defendants, the nature of the offense or offenses and the fine and the sentence or judgment imposed and such moneys so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitters and guides board account in the dedicated fund.

36-2117A. CIVIL PENALTY FOR VIOLATIONS. (a) The board or its designated agent may commence and prosecute in district court a civil enforcement action against any person who is alleged to have violated this chapter or any regulation promulgated pursuant to this chapter. The board shall not be required to initiate or prosecute an administrative action before commencing and prosecuting a civil action.

(b) No civil proceeding may be brought to recover for a violation of this chapter or any regulation promulgated pursuant to this chapter more than two (2) years after the board had knowledge of the violation.

(c) The civil penalty for violation of the provisions of this chapter or any regulation promulgated pursuant to this chapter shall not be less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each separate violation.

(d) Any person who is found to have violated any provision of this chapter or any regulation promulgated pursuant to this chapter shall be assessed the board's costs, including the reasonable value of attorneys' services, for preparing and litigating the case.

(e) Fifty percent (50%) of all moneys collected under this section shall be deposited with the state treasurer, and the state treasurer shall credit the same to the Idaho outfitters and guides board account, and fifty percent (50%) of the moneys shall go to the general account in the state operating fund.

36-2118. LICENSE A PREREQUISITE FOR RECOVERY OF COMPENSATION. No person engaged in the business, or acting in the capacity, of an outfitter or guide, as defined in this chapter, within this state shall bring or maintain any action in the courts of this state for the collection of compensation for the performance of any services as such outfitter or guide, without alleging and proving that such person, partnership, or corporation was a duly licensed outfitter or guide at the time the alleged cause of action arose.

Wyoming Statutes 1977

TITLE 23 Game and Fish

Chap.

1. Administration, §§ 23-1-101 through 23-1-901.
 2. Licenses; Fees, §§ 23-2-101 through 23-2-405.
 3. General Regulatory Provisions, §§ 23-3-101 through 23-3-404.
 4. Protection and Propagation of Fish, §§ 23-4-101 through 23-4-103.
 5. Game Bird Farms; Fishing Preserves, §§ 23-5-101 through 23-5-204.
 6. Enforcement; Penalties, §§ 23-F 101 through 23-6-207.
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Am. Jur. 2d, ALR and C.J.S. references. National Environmental Policy Act of 1969 (42
— Necessity and sufficiency of environmental USCS § 4332(2)(C) in cases involving hunting,
impact statements under § 102(2)(C) of Na- fishing and related projects, 74 ALR Fed 852.

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CHAPTER 2
Licenses; Fees

Article 1 Game Animals and Game Birds

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23-2-405. Designation of game districts for conduct of outfitting; types of animals which may be commercially pursued; revocation of license; substitution of licensee.

ARTICLE 1. GAME ANIMALS AND GAME BIRDS

§ 23-2-101. Fees; restrictions; nonresident application fee.

(a) Any qualified person may purchase a hunting license from the department or its authorized selling agents except as otherwise provided. Purchase of a license entitles the licensee to take any animal, bird or fish provided on the license within Wyoming at such time, in such place, in such manner and in such amount as provided by law and the orders of the commission.

(b) The following licenses and tags may be purchased for the fee indicated and subject to the limitations provided:

- (i) Resident deer license; one (1) deer \$ 15.00
- (ii) Nonresident deer license; one (1) deer 100.00
- (iii) Resident elk and black bear license; one (1) elk and one (1) black bear 25.00
- (iv) Nonresident elk license; one (1) elk, fishing privileges ... 250.00
- (v) Resident bighorn sheep license; one (1) bighorn sheep 50.00
- (vi) Nonresident bighorn sheep license; one (1) male bighorn sheep with well developed horns with at least three-fourths curl 400.00

- (vii) Resident mountain goat license; one (1) mountain goat \$ 50.00
- (viii) Nonresident mountain goat license; one (1) mountain goat 500.00
- (ix) Resident moose license; one (1) moose 50.00
- (x) Nonresident moose license; one (1) bull moose 300.00
- (xi) Resident black bear license; one (1) black bear 10.00
- (xii) Nonresident black bear license; one (1) black bear 50.00
- (xiii) Resident grizzly bear license; one (1) grizzly bear 50.00
- (xiv) Nonresident grizzly bear license; one (1) grizzly bear ... 400.00
- (xv) Resident antelope license; one (1) antelope 15.00
- (xvi) Nonresident antelope license; one (1) antelope 100.00
- (xvii) Resident mountain lion license; one (1) mountain lion 20.00
- (xviii) Nonresident mountain lion license; one (1) mountain lion 100.00
- (xix) Resident small game license 5.00
- (xx) Nonresident small game license 25.00
- (xxi) Resident game bird license; all game birds except wild turkey 6.00
- (xxii) Nonresident game bird license; all game birds except wild turkey 30.00
- (xxiii) Resident archery license (for each type of game) 5.00
- (xxiv) Nonresident archery license (for each type of game) ... 10.00
- (xxv) Resident license to capture falcons for falconry purposes 20.00
- (xxvi) Nonresident license to capture falcons for falconry purposes 100.00
- (xxvii) License to hunt with falcon; game birds, small game animals 5.00
- (xxviii) Military hunting license resident fee for animal or bird to be hunted
- (xxix) Special bird license (use on game bird farms only) 6.00
- (xxx) Resident turkey license 6.00
- (xxxi) Nonresident turkey license 30.00
- (xxxii) Wyoming game tag 2.00
- (xxxiii) Wyoming interstate game tag 2.00

(c) The resident's or nonresident's license must bear the signature of the landowner, lessee, or agent of the owner on whose private property he is hunting or the legitimate proof as evidence that permission to hunt has been granted.

(d) The commission may issue deer or antelope licenses in areas in which all licenses initially authorized were not purchased or in which additional harvest is desired, allowing a licensee to take a deer or antelope of such sex or age as designated by the commission. The fee for the license is one-half (1/2) of the normal fee for the license.

Am. Jur. 2d, ALR and C.J.S. references. fishing in private lake or pond, 15 ALR2d 754.
- 35 Am. Jur. 2d Fish and Game § 45. 36A C.J.S. Fish § 36.
Applicability of state fishing license laws to

§ 23-2-202. Age restrictions; fishing.

No person fourteen (14) years or older nor any nonresident person less than fourteen (14) years shall fish in or on any Wyoming waters, except a catch-out pond located on a licensed fish hatchery or a fishing preserve, without first obtaining a proper license. A nonresident person less than fourteen (14) years need not obtain a proper fishing license if accompanied by an adult possessing a valid unexpired Wyoming fishing license in which case the nonresident person's bag limit as established by law or by commission orders shall be applied to and limited by the fishing license held by the adult person in his company. (Laws 1939, ch. 65, § 30; C.S. 1945, § 47-203; Laws 1949, ch. 88, § 1; W.S. 1957, § 23-40; Laws 1959, ch. 66, § 1; 1969, ch. 141, § 1; 1971, ch. 192, § 8; 1973, ch. 249, § 1; W.S. 1957, § 23.1-39.)

§ 23-2-203. Military fishing licenses.

(a) Any member of the armed forces of the United States having been on active duty for a period greater than ninety (90) days at an installation or facility within Wyoming may purchase a military fishing license for resident fees.

(b) The commission may designate the area within which the military fishing license entitles the licensee to fish. The area shall be stamped on each license. (Laws 1939, ch. 65, § 34; 1943, ch. 112, § 6; 1945, ch. 84, § 1; C.S. 1945, § 47-207; Laws 1946, Sp. Sess., ch. 2, § 1; 1949, ch. 90, § 1; 1951, ch. 71, § 1; 1955, ch. 117, § 1; W.S. 1957, § 23-86; Laws 1959, ch. 196, § 1; 1961, ch. 162, §§ 1, 2; 1965, ch. 132, § 1; ch. 147, § 1; ch. 184, § 3; 1969, ch. 31, § 1; ch. 75, § 1; ch. 129, §§ 8, 9; 1971, ch. 28, § 1; ch. 199, § 1; ch. 233, § 1; 1973, ch. 249, § 1; W.S. 1957, § 23.1-40.)

§§ 23-2-204, 23-2-205.

Repealed by Laws 1979, ch. 29, § 2.

Editor's notes. - These sections, which fishing licenses, and special 30-day fishing licenses, respectively.
derived from Laws 1939, ch. 65, § 34, and Laws 1973, ch. 249, § 1, related to girl scout

§ 23-2-206. Underwater fishing.

(a) The commission may set limits and designate specified waters as being open to underwater spear gun fishing for fish. In specified waters the use of spear guns of types approved by the commission to take fish underwater with or without underwater breathing apparatus is permissible. No game fish may be taken unless the underwater fisherman is completely submerged.

(b) No person shall use a spear gun to take fish underwater without obtaining the proper fishing license and an underwater fishing license. (Laws 1973, ch. 249, § 1; W.S. 1957, § 23.1-43; Laws 1979, ch. 128, § 1.)

ARTICLE 3. MISCELLANEOUS FEES; TAXIDERMISTS; TRAPPING; FUR DEALERS

§ 23-2-301. Miscellaneous fees.

(a) The following licenses and tags may be purchased for the fee indicated subject to other requirements of this act:

Table with 2 columns: License/Tag description and Fee amount. Includes items like Professional guide's license (\$25.00), Big game animal outfitter's license (75.00), Deer - antelope outfitter's license (35.00), Fishing outfitter's license (35.00), Resident trapping license - furbearing (20.00), License to capture furbearing animals for domestication (5.00), Resident fur dealer's license (25.00), Nonresident fur dealer's license (100.00), Taxidermist's license (30.00), Game bird farm license (50.00), Fishing preserve license (50.00), Commercial fish hatchery license (75.00), License to seine or trap fish (15.00), License to deal in live bait (25.00), Wyoming beaver tag (.50), Nonresident trapping license - furbearing (100.00), Resident youth trapping license (residents under the age of seventeen (17) years of age) (5.00).

(Laws 1939, ch. 65, § 34; 1943, ch. 112, § 6; 1945, ch. 84, § 1; C.S. 1945, § 47-207; Laws 1946, Sp. Sess., ch. 2, § 1; 1949, ch. 90, § 1; 1951, ch. 71, § 1; 1955, ch. 117, § 1; W.S. 1957, § 23-86; Laws 1959, ch. 196, § 1; 1961, ch. 162, §§ 1, 2; 1965, ch. 132, § 1; ch. 147, § 1; ch. 184, § 3; 1969, ch. 31, § 1; ch. 75, § 1; ch. 129, §§ 8, 9; 1971, ch. 28, § 1; ch. 199, § 1; ch. 233, § 1; 1973, ch. 249, § 1; W.S. 1957, § 23.1-44; Laws 1978, ch. 30, § 1; 1979, ch. 29, § 1.)

(1) calendar year and must be in the possession of any person exercising rights under any fishing or hunting license issued pursuant to W.S. 23-2-101 or 23-2-201. Holders of pioneer licenses as defined under W.S. 23-1-705(d) and (e) and holders of licenses only under W.S. 23-2-201(b)(xi) and (xii) are exempt from the provisions of this section. (Laws 1983, ch. 175, § 1; 1985, ch. 166, § 1; 1986, ch. 69, § 1.)

The 1985 amendment, effective June 1, 1985, inserted "and holders of licenses only under W.S. 23-2-201(b)(xi)" in the last sentence.

The 1986 amendment, effective June 11, 1986, inserted "and (xii)" in the second sentence.

Editor's notes. — Laws 1983, ch. 175, § 2, provides:

"(a) Any person may contribute to the enhancement of fish and wildlife habitat by purchasing a fish and wildlife habitat card. The card shall show the name of the purchaser and shall indicate the amount of the contribu-

tion by a letter designation on the card as follows:

- (i) Five dollars (\$5.00) 'C' Card;
- (ii) Ten dollars (\$10.00) 'B' Card;
- (iii) Twenty dollars (\$20.00) 'A' Card;
- (iv) Fifty dollars (\$50.00) or more 'A+' Card.

"(b) Cards shall be approximately two and one-quarter (2¼) inches by three and one-quarter (3¼) inches in size. All proceeds from the voluntary purchase of such cards shall be transferred to the game and fish fund under W.S. 23-1-501."

ARTICLE 4. GUIDES AND OUTFITTERS

§ 23-2-401. Guides required; exceptions; issuance of resident guide license.

(a) No nonresident shall hunt big or trophy game animals on any designated wilderness area, as defined by federal or state law, in this state unless accompanied by a licensed professional guide or a resident guide. There shall be at least one (1) licensed professional guide or resident guide accompanying each two (2) nonresident hunters. The commission may also specify other areas of the state, or specific big or trophy game species, for which a licensed professional or resident guide is required for nonresidents, for purposes of proper game management, protection of hunter welfare and safety, or better enforcement of game fish laws. The commission may allow licensed guides to accompany more than two (2) hunters but no more than six (6) hunters in specific areas.

(b) Any resident possessing a valid resident big or trophy game animal license may apply for and receive a resident guide license. The resident guide license shall be issued without charge or bond by the commission, any district supervisor or resident game warden upon receipt of an affidavit from the resident stating the names and addresses of the nonresident hunters to be guided, the game to be hunted, the area to be hunted, and that the resident has not received nor will accept directly or indirectly any compensation for his services as a guide. A resident guide shall not guide more than two (2) nonresident hunters in any calendar year on any national forest, wilderness area, national game refuge, or national park, except as provided in W.S. 23-2-401, nor shall he accept any compensation or gratuity for his services.

The name and license number of the nonresident hunter shall be placed on the back of the resident guide license and stamped or signed by the issuer.

(c) A resident landowner may guide hunters on land owned by or deeded land leased to him without a guide license, or he may authorize nonresidents hunting without a guide on those lands. The license must bear the signature of the landowner, lessee, or agent of the owner on whose private property he is hunting as evidence that permission to hunt has been granted. (Laws 1939, ch. 65, § 47; 1943, ch. 112, § 9; C.S. 1945, § 47-401; Laws 1946, Sp. Sess., ch. 2, § 4; 1949, ch. 89, § 2; 1957, ch. 168, § 2; W.S. 1957, § 23-54; Laws 1961, ch. 109, § 1; 1969, ch. 129, § 2; 1973, ch. 249, § 1; W.S. 1957, § 23.1-49; Laws 1975, ch. 81, § 1.)

Repealing clauses. — Laws 1946, Sp. Sess., ch. 2, § 8, repealed all acts or parts of acts inconsistent with this act.

Requirement that nonresident employ guide held constitutional. — Subsection (a), requiring nonresident big game hunters who hunt in federal wilderness areas to employ guides, does not violate the equal protection provisions of the federal and state constitutions, nor the privileges and immunities clause of the United States constitution. *O'Brien v. State*, 711 P.2d 1144 (Wyo. 1986).

The requirement that a nonresident employ a guide to accompany him into a federal wilderness, in which he has a valid license to hunt, is specifically authorized by the National Wilderness Preservation System Act and regulations, and does not violate the supremacy clause. *O'Brien v. State*, 711 P.2d 1144 (Wyo. 1986).

Law reviews. — For note on constitutional considerations and the new Wyoming Guide Law, see IX Land & Water L. Rev. 169 (1974).

§ 23-2-402. License required for professional guides; qualifications; suspension or revocation of license.

(a) No person shall engage in the business of guiding for any consideration or compensation without a professional guide's license. Any competent person who possesses the following qualifications shall upon payment of the license fee, receive a professional guide's license:

- (i) Citizen of the United States;
- (ii) At least eighteen (18) years of age;
- (iii) Resident of Wyoming;
- (iv) Knowledgeable of trophy care and appropriate game and fish laws;

(v) Can satisfactorily pass a written or oral examination which is devised and administered at the discretion of the commission. The examination may include knowledge of the area, of hunting practices, of big game, or guiding practices and of game and fish laws.

(b) The commission may suspend or revoke a professional guide's license on the grounds provided by W.S. 23-2-405(a)(iii).

(c) As used in this section "professional guide" means any person employed for any pecuniary profit or other gain, who provides professional services to aid any person in taking any of the game animals, fish or birds in this state. A professional guide shall not furnish any meals or accommoda-

tions, equipment, pack animal, vehicle, boat or other conveyance for clients. (Laws 1939, ch. 65, § 37; C.S. 1945, § 47-210; Laws 1957, ch. 168, § 1; W.S. 1957, § 23-55; Laws 1967, ch. 44, § 1; 1971, ch. 26, § 1; 1973, ch. 249, § 1; W.S. 1957, § 23.1-50; Laws 1977, ch. 143, § 1.)

Applied in *O'Brien v. State*, 711 P.2d 1144 (Wyo. 1986).

§ 23-2-403. Guides to report violations.

Every guide shall promptly report to the department or any game warden each violation of this act or order of the commission by any person guided. (Laws 1939, ch. 65, § 39; C.S. 1945, § 47-212; W.S. 1957, § 23-56; Laws 1973, ch. 249, § 1; W.S. 1957, § 23.1-51.)

Quoted in *O'Brien v. State*, 711 P.2d 1144 (Wyo. 1986).

§ 23-2-404. Outfitters; license; defined; qualifications; number may be regulated; responsibility for guides.

(a) No person shall engage in the business of outfitter or outfitting without applying for and receiving a big game animal outfitter's license, a deer-antelope outfitter's license, or a fishing outfitter's license, except that a resident landowner may outfit on lands owned by him without license. Each application for an outfitter's license shall be in the name of one (1) individual who possesses the necessary qualifications. Incorporation under the laws of Wyoming for nonresident stockholders does not qualify the corporation to receive an outfitter's license.

(b) "Outfitter" means any person or agent of a domestic corporation, who, operating in this state from a temporary or permanent camp, private or public lodge, private or incorporated home, for pecuniary profit or other gain, provides professional guide services, any saddle or pack animal, vehicle, boat, or other conveyance, for any person to take any big or trophy game animal or game fish in this state.

(c) "Outfitter" does not include a person not offering professional guiding services who, principally for accommodation rather than for profit, rents a packhorse, saddle horse, boat, or other conveyance to a hunter or fisherman and the renting is for temporary use and not in competition with a licensed outfitter. Additionally, the person must not in any manner advertise or hold himself out to be an outfitter, nor maintain any equipment or accommodations excepting such as may be reasonably necessary for the purpose of conducting or operating his principal business or occupation.

(d) Any competent person of good moral character, who possesses the following qualifications shall upon payment of the proper fee, receive a big game animal outfitter's license, deer-antelope outfitter's license or fishing outfitter's license:

- (i) Financially responsible citizen of the United States;
- (ii) At least eighteen (18) years of age;
- (iii) Resident of Wyoming;
- (iv) Possesses proper equipment for the protection and convenience of his guests;
- (v) Can satisfactorily pass a written or oral examination, devised and administered at the discretion of the commission. Such examination may include knowledge of the area, of hunting practices, of big game, of guiding practices, and of game and fish laws;
- (vi) Fully capable of providing quality guide service to clients;
- (vii) Knowledgeable of area to be hunted or fished, trophy care and appropriate game and fish laws;
- (viii) In the case of an applicant for a big game animal outfitter's license or renewal thereof, the commission shall require the applicant to post and maintain a five thousand dollar (\$5,000.00) surety or cash bond with the commission to protect contractual rights of clients of outfitters;
- (ix) In the case of an applicant for a big game animal outfitter's license or renewal thereof, the commission shall require the applicant to post and maintain a liability insurance policy to protect clients and property owners against injury or damage as a result of negligence by outfitters or their agents or employees. The limits of coverage under the liability insurance policies shall be at least twenty-five thousand dollars (\$25,000.00) for property damage and for personal injury or death, one hundred thousand dollars (\$100,000.00) for injuries to or death of one (1) person and three hundred thousand dollars (\$300,000.00) for all injuries or death from any one (1) occurrence.
- (e) The commission may enact rules to regulate the number of outfitters operating in a given area which may include limiting the number of licenses issued and areas designated.
- (f) A deer-antelope outfitter's license allows the licensee to outfit and assist hunters for deer and antelope. A big game animal outfitter's license allows the licensee to outfit and assist hunters for such big or trophy game animals as designated by the commission.
- (g) Every outfitter shall be responsible for the actions of guides employed by him within the scope of their employment. (Laws 1939, ch. 65, § 35; C.S. 1945, § 47-208; Laws 1949, ch. 89, § 4; W.S. 1957, § 23-57; Laws 1967, ch. 45, § 1; 1973, ch. 249, § 1; W.S. 1957, § 23.1-52; Laws 1977, ch. 143, § 1; 1983, ch. 113, § 1.)

Cross references. — For meaning of "commission," see § 23-1-102(a)(i).

§ 23-2-405. Designation of game districts for conduct of outfitting; types of animals which may be commercially pursued; revocation of license; substitution of licensee.

(a) The commission may:

(i) Designate in which game district or districts a successful applicant may conduct his outfitting operation;

(ii) Designate the types of big or trophy game animals a big game animal outfitter may commercially pursue;

(iii) Revoke or suspend an outfitter's or professional guide's license on the following grounds:

(A) Violation of any provision of this act or orders of the commission;

(B) Fraud or deception in procuring a license;

(C) Conviction of a felony;

(D) The licensee commits a substantial breach of contract with a client utilizing his outfitting or guiding services;

(E) The licensee fails to report to the department any violation of this act by his clientele or employees within fifteen (15) days after his actual knowledge of the violation;

(F) Is guilty of fraudulent advertising;

(G) Fails to submit required reports to the department.

(iv) Upon death or disability of the holder of a big game animal outfitter's license or sale of a big game outfitter business, reissue the license to a husband, wife, son, daughter, brother or sister of or purchaser of the business from the license holder so long as the new holder meets other requirements of this act [§§ 23-1-101 through 23-6-207]. (Laws 1973, ch. 249, § 1; W.S. 1957, § 23-1-53; Laws 1977, ch. 143, § 1; 1983, ch. 113, § 1.)

Editor's notes. — There is no subsection (b) in this section as it appears in the printed acts.

CHAPTER 3

General Regulatory Provisions

Article 1. Bird and Animal Provisions

Sec.

23-3-101. Taking eagle prohibited.

23-3-102. Taking certain game animals without license prohibited.

23-3-103. Taking predatory animals, birds; taking trophy animals without license; taking furbearing animals and game birds without license prohibited.

23-3-104. Coupons.

23-3-105. Antelope and deer coupons; payment to landowner; kill on federal or state land.

23-3-106. Wyoming game and Wyoming interstate game tags; Wyoming beaver tags; when required.

23-3-107. Wanton destruction of big game animal; reward.

23-3-108. Destruction of bird nests or eggs.

23-3-109. Use of dogs; dogs injuring big or trophy game animals may be killed.

23-3-110. Firearms; types permitted for hunting game birds; ruffed and blue grouse excepted.

23-3-111. Firearms; size of guns to be used in hunting big or trophy game animals.

23-3-112. Firearms; automatic weapon or silencer prohibited.

23-3-113. Hunters required to wear colored clothing.

23-3-114. Landowner may take beaver causing damage; notice; inspection of pelts; tagging.

23-3-115. Taking bear, mountain lion, bobcat, weasel, squirrels or muskrat for damaging property authorized; notice to game warden; tagging of skin.

23-3-116. Ownership of game bird; taking of privately owned game birds.

Article 2. Fish Provisions

23-3-201. Fishing tackle; designation of waters for setline fishing; taking fish with firearm prohibited.

Sec.

23-3-202. Use of live fish and corn as bait.

23-3-203. Placing obstruction to fish across stream or lake without consent of chief fish warden prohibited; erection of fishways.

23-3-204. Substances and devices to take or destroy fish or obstruct waterways prohibited.

23-3-205. Shipment of fish; game tags; when required.

Article 3. Wildlife Provisions

23-3-301. Importation and sale of wildlife prohibited; exceptions.

23-3-302. Sale, disposition, or acquisition of edible portions of game animals, game birds or game fish.

23-3-303. Waste of edible portion of game bird, fish or animal, except trophy game animal, prohibited; abandonment of meat at meat processing plant.

23-3-304. Certain trapping devices unlawful; game for bait prohibited.

23-3-305. Hunting from highway; entering enclosed property without permission; hunting at night without permission prohibited.

23-3-306. Use of flying machines, automobiles, motorized and snow vehicles and artificial light for hunting or fishing prohibited; exception; penalties.

23-3-307. Hunting while intoxicated or under influence of controlled substance prohibited.

23-3-308. Check stations; duty of hunters and fishermen to report.

Article 4. Miscellaneous Acts Prohibited

23-3-401. Commercial operation or business without license prohibited.

23-3-402. Violation of commission order prohibited.

23-3-403. False swearing, fraud, or false statement prohibited.

23-3-404. Tanneries not to receive game specimens unless tagged; records.

Hunt Report
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A MONTHLY NEWSLETTER

Volume 8, No. 2

"SERVING THE HUNTER WHO TRAVELS"

DATELINE: CANADA

(Editor Note: Hunting Report President/Publisher Don Causey filed the following report on the chaotic situation in Alberta.)

If you've booked a hunt in Alberta for this coming fall, or you are thinking of doing so, good luck. At press time, this province's efforts to come to grip with a burgeoning population of guides had stalled, leaving just about everything up in the air. Amazingly, it was not possible at all for nonresidents to book grizzly hunts in this province the way things stood in late January. There was also the distinct possibility the same situation would develop as regards elk. On the whitetail deer front, the situation was so chaotic that long-time deer guide Russell Thornberry was telling all inquiring hunters that he was throwing in the towel. The tone of a form letter Thornberry was sending out, a copy of which was sent to us by a subscriber, apparently summed up the depressing sentiments of many long-time professionals. "I regret to inform you that due to the chaos being created by swarms of unregulated 'outfitters' . . . it is no longer possible to guarantee a quality whitetail hunt in this province," his letter states. "There are now more fly-by-night outfitters than there are quality deer. Poaching and overcrowding of prime habitat are now the rule rather than the exception." He goes on to accuse the government of letting the hunting industry in Alberta "self destruct". The letter perhaps overstates the problem, but not by much. There are an estimated 3,000 plus outfitters now in a province that should probably have 600, or even fewer. The overall picture emerging in Alberta is

one of a government in paralysis. Just what will happen next is anyone's guess. There are rumors that the government, in desperation, might simply close the province to nonresidents entirely. The pity of it is, game populations in Alberta are at a near all-time high due to recent mild winters. Moreover, new regulations have already been drawn up in Alberta—regulations that, among other things, would permit only guides with a track record to operate, and then only within clearly defined harvest quotas. Most observers are betting these regulations, in some form, will still be passed.



Until they are, the hunts most affected are for grizzlies (At press time, there were simply no provisions at all for nonresidents to hunt for these animals.) and whitetails (Warning: Don't book with a fly-by-night, and don't be talked into breaking the law. Your best bet is to book with an outfitter who operates well away from the crowded deer capital near Edmonton, or—better yet—one who operates in another province, such as Saskatchewan or Manitoba. We have reported recently on some outfitters in Saskatchewan and have a report this month on the situation in Manitoba.) Less affected are hunts for

sheep. Some 80 permits have been allocated to 20 outfitters since the early 70's. There is growing pressure to permit these outfitters to sell or transfer permits. In the meantime, though, many still take good animals each year. See Alberta Hunt Report file for reports. As regard elk, the grim possibility is that nonresidents may be shut out entirely from hunting these animals. And fair warning—even if hunting is allowed, many elk areas in Alberta are beginning to suffer the same kind of pressure that some of the whitetail areas around Edmonton have been experiencing—Don Causey.

British Columbia

(Editor Note: With the news so grim in Alberta, it's a relief to offer this report on a highly recommended elk hunt in BC. Correspondent Jim Zumbo filed the report.)

I was fortunate enough this past season to hunt with Henry Fercho of Cranbrook in the East Kootenai region just north of the Montana border, an area that produces the bulk of BC's elk. My hunt was during the first week of the season, in September, during what was supposed to be the bugle period. As most elk hunters know, the 1987 fall was extremely hot and dry. The weather affected elk bugling in many areas, including ours. Nonetheless, I took a very nice 6x6. I was impressed with Fercho's territory. Much of it is heavily timbered, but there are plenty of open slopes covered with berries. I did not see another hunter during the 10 day hunt, and neither did the other members of my party. Nine of us were split into three groups in Fercho's vast area. Much of it was never hunted, primarily because there are lots of drainages that have no trails. This is as

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Jerry Snyder is a native of Colorado and has been in the hunting business for over 15 years. His articles on hunting techniques have appeared in *Outdoor Life* and numerous other publications.

Snyder has been on numerous guided hunts throughout the world which has enabled him to analyze guided hunts from both sides of the fence.

Jerry has been an avid sportsman all his life. Knowledge of the state and specific hunting areas matched with years of experience as a professional hunter will make your hunt with Mountain Mesa Safaris all it should be.



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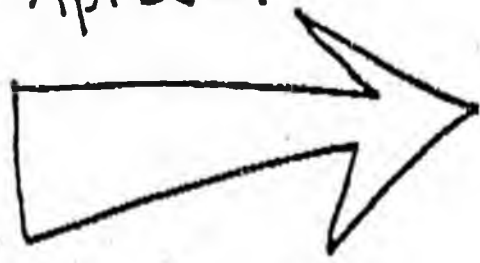
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... FEB 18 18 19 LIO - FAIRBANKS
 M14 counterparts. So what, doesn't a civilian jeep look like a military jeep and doesn't a civilian tent look like a military tent? True, but we have yet to hear of a National Coalition to Ban Jeeps or a Tent Control, Inc. While the "design" argument makes no sense to knowledgeable gun owners, it does have its appeal to

American Hunter
 April '87



Model Four, and much of the 740 series, and the Winchester Model 100—by calling these firearms "military assault weapons" and claiming "the only purpose of these guns is to kill people."

In the last Congress, New Jersey Rep. Robert Torricelli introduced a bill to outlaw the possession of guns which could be "readily converted" to full-automatic. To Torricelli, a military-style, semi-automatic pistol "has no purpose except to kill people. It's too inaccurate for target shooting, hunting or self-defense. This is an awesome close-range offensive weapon that is being used for contract murders and drug killings by criminal organizations."

Torricelli's newly injected "convertibility" test adds a new twist to shop-worn anti-gun arguments, though it is equally irrelevant and nonsensical. America's law-abiding gunsmiths won't convert semi-autos to full-auto—it is against the law. It is unlawful to convert semi-autos to full-auto, just as it is to convert full-sized rifles and shotguns to short-barrelled, short-stroke versions. Yet

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drew, aimed, and released. He crashed out of sight and within seconds all was quiet. I waited as long as I could and calmly climbed down from my perch. My first step was normal but my second was a dead run! Enough self contro!!

There's something magical about sitting around a blazing campfire in the middle of the Canadian wilderness telling others about a bear encounter. I'll never forget the way their eyes were riveted on me as I talked. When I finished it was quiet for a few moments before Tom said, "If something eats that bear we're packing up and headin' for home." No one even suggested trying to find him at night this time.

The next morning again following a blood trail. This was and very spotty. If the blood indicated, the big bear didn't hurt badly. A ^{kind of despair} over me—me out of blood knees follow grass and me said, "I smell Our noses in direction he I smell hit us heap. My I success. Our total I



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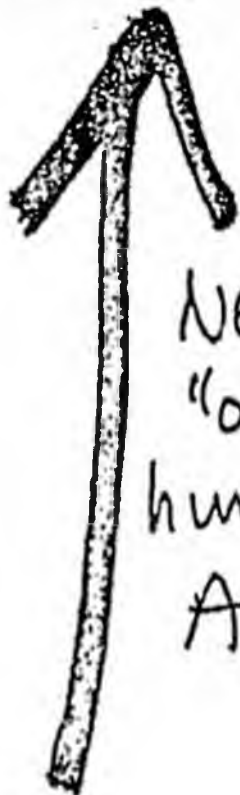


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PRESS RELEASE - ALASKA STATE TROOPERS

On January 29, 1987, Troopers from the Division of Fish and Wildlife Protection and Federal Agents of the U.S. Fish and Wildlife Service served search and arrest warrants on several locations in the Anchorage area. ^{Outfitter} James L. Baum, age 44 of Anchorage, was arrested on a Felony Information charging him with 15 counts of violations of unlicensed guiding and violations of state game laws. Baum was lodged in the Cook Inlet Pretrial Facility with bail set at \$50,000. Arrest warrants were also issued for two Australian men, Peter Stapley, age 42, of Victoria, Australia and John Steer, age 37, of Melbourne, Australia. Both men were charged with several game and guiding violations and bail was set at \$25,000 each. Six firearms, one Dall sheep, one elk, ivory, hunting equipment and two aircraft, one Piper Supercub and one Cessna 180, were seized as a result of the investigation. The charges and search warrants were a result of a lengthy investigation by investigators from the Statewide Investigative Section of the Division of Fish and Wildlife Protection in Anchorage and Agents of the U.S. Fish and Wildlife Service in Soldotna and Anchorage. The investigation centered around an unlicensed guiding operation being conducted primarily for Brown bear, caribou, moose, Dall Sheep and black-tailed deer as well as interstate and inter-country shipment of illegally-taken wildlife trophies and parts. Additional seizures and arrests are pending outcome of the investigation which is continuing by the Statewide Investigative Section.

This type of operation is an example of an unlicensed illegal operation and should not be confused with the activities of the Alaska professional licensed guides who operate legally.

This week, Troopers of the Statewide Investigative Section culminated a two year investigation resulting in the arrest of several unlicensed guides. The Statewide Investigative Section, part of the Division of Fish and Wildlife Protection within the Alaska Department of Public Safety conducted a large-scale surveillance and covert operation into the illegal commercial trafficking of the state's big game resources by unlicensed, illegal outfitters and guides. The operation involved the use of undercover officers, who posed as clients to detect violations and to apprehend the illegal big game violators.

During the investigation, troopers were aided by the District Attorney's office in Anchorage who spent lengthy periods of time in the preparation of search warrants for electronic surveillance, for seizures of evidence and equipment, and in the preparation of criminal complaints and arrest warrants. In addition, personnel from the Division of Fish and Wildlife Protection, the Alaska State Troopers, the Anchorage and Sitka Police Departments, the National Park Service, and police departments in the lower 48 assisted in the operation which involved hundreds of hours of manpower to complete.

Melville AKA "Neal" Atkinson, age 45 of Jacksonville Florida, Rodney Brustuen, age 33 of Anchorage, and Clyde AKA "Henry" Cannon, age 38 also of Jacksonville, were arrested by troopers on September 28, 1987 at the Anchorage International Airport. A fourth man, John Rus, age 29 of Anchorage, turned himself in to troopers the following day. Atkinson, owner and operator of Neal's Wilderness Outfitters near Kotzebue was held on \$50,000 cash only bond. The men were charged with a combination of game and guiding charges including: Guiding Without a License, Wanton Waste of Moose, and Taking Fish by Illegal Methods and Means. Atkinson, who operates his outfitting business near the Kelly River in the Noatak National Park and Preserve. Search warrants were served in the case and numerous items of evidence were seized including: videotapes, film, hunting licenses and harvest tickets, business records, rifles, backpacks and binoculars. A Grand Jury is expected to convene in Kotzebue to hear evidence in the case on 10/9/87.

In a related case, on October 1, 1987, Bruno Zedler, age 43, operator of a hunting consultant business, and Bernhard Maeckle, age 30, both of Anchorage were charged with numerous game and guiding charges including: Guiding Without a License, Taking Overlimit of Moose, Unlawful Possession and Transportation of Big Game, and Taking Bear Without Valid Licenses and Tags. The charges stemmed from an investigation conducted near Lake Clark in the Lake Clark National Park and Preserve. Zedler and Maeckle, guided an undercover officer and a German citizen, Karl Stahl, on a series of big game hunts. Neither men are licensed guides and all citizens of foreign countries are required to be accompanied by licensed guides when hunting big game in Alaska. An arrest warrant for Maeckle charging him with numerous game and guiding violations was also issued with bail set at \$1,500. A search warrant was issued and served at Zedler's residence and several items of evidence were seized including: a rifle, binoculars, film, a moose, correspondence, hunting licenses and harvest permits, a backpack, a rubber raft and an outboard motor. A court appearance of October 29th was scheduled in Superior Court in Anchorage.

In another related case, On October 10th, 1987 Mark J. Kneen age 41, manager of the Point Adventure Lodge in Iliamna Alaska was arrested by troopers and charged with Guiding Without a License. The charges stemmed from an investigation in which an undercover trooper was guided by an employee of the Lodge in September on a caribou hunt in the Iliamna area. The lodge employee, Brett Landwehr, age 23 of Montana is currently out of state and a warrant for his arrest was issued with bail set at \$7,500. Additional charges are pending outcome of the investigation which is continuing by troopers. Kneen was transported to Naknek and bail was set at \$7,500.

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P.O. Box 592
Noxon, MT 59653
Phone: (406) 647-6553

TROPHY ELK
Full Quality Hunts for serious rifle and bow hunters who want Top Trophy Game. All furnished and guided with deluxe accommodations, personalized service and no overcharging. Elk, Deer, Bear, Caribou Hunts with Sheep, Moose and Goat available by drawing. Strictly Firm Client Deposits Required. Early Reservations Necessary. Non-refundable Deposits Limited.
LION & BEAR
Hunt where the Records are made with the Privacy of professional Lion and Bear hunting in the northern Rockies. Strictly Firm Client and Paid Cash for the serious rifle and bow hunter. The best in equipment, experience and service. Deposits Required. Early Reservations Necessary.

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607 Higgins Lane, Stevensville, MT 59709

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Private Land Hunts & Drop Camps. Small Groups only. Deer, Elk, Bear, Lion, Antelope, Rifle—Muzzleloader—Archery, Horses for rent Summer and Fall.
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Activities in Primitve & Wilderness Areas of MT & ID.
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If we don't have a trip to fit your needs, we'll make one.
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Phone: Winter (406) 494-2585
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DEAL WITH A BROKER... VENTURE WEST
Quality Outfitters MONTANA/ID/ND. BIG GAME/SIB/BE/ST/OUT. (406) 726-1673. 4217 Timberlane, Missoula, MT 59802.

HUNT WYOMING
Hunt private ranches for Elk, Antelope, and Mule Deer. Have a few openings left for trophy 4-point Mule Deer for 1987. All licenses on a drawing basis. Coyote and Prairie Dog hunts also available.
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P.O. Box 3881, Dept. NAH
Casper, WY 82402 • (307) 236-1455

MONTANA ELK, DEER, BEAR & SHEEP
Quality hunting in the northern Yellowstone area of Montana. Big Area in Montana for Boone & Crockett bulls. Bighorn Sheep permits available without drawing. Book Early!
JIM MUSCAT OUTFITTING AND GUIDE SERVICE
P.O. Box 112, Big Sky, MT 59716
(406) 995-4089

HUNTING ON HORSEBACK, Autographed Book \$19.98. HUNTING REFLECTIONS humorous audio cassette \$7.99. Jim Orman, 1640 W. 2nd St. W. Rock Springs, WY 82901.

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Wyoming Elk • Deer • Antelope Archery & Rifle
• Antelope & Deer—3 & 6 Day Hunts
• Elk—2 Day Hunts
• Archery—12 Day Triple Combination for Elk, Deer and Antelope
December 1-30
• We work hard to make your hunt a successful and memorable one! Call or write for a brochure.
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Hunt Central Montana on private lease. High success on Elk & Mule Deer hunts. Spring bear hunts. Archery & Rifle. Book now for 1987.
TIME IS SHORT FOR SPRING BEAR.
RON CORR
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REMEMBER LICENSES SELL FAST IN MONTANA—BOOK BEFORE IT IS TOO LATE

ALASKAN BROWN BEAR
The largest predator on earth. Fourteen day hunts fall or spring on the Alaskan peninsula. 95% Success.
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"FOOD IS THE SECRET"
Plan our Own Wild Duck, Sage, Brind Catery, etc. Over 40 varieties available. All Fish Culture plants & Special Upland Game Bird seed mixes and 1/2 lb. Wildfowling Illustrated literature
WILD FOWLING

ELK MULE DEER BEAR MOOSE GOAT
SOUTH CENTRAL MONTANA
• EARLY SEPT: 1-7 DAY BUOGE BOW HUNT
On 16,000 acre Private Ranch. Coyote Hunt per year. Also some success.
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In the beautiful Big Horn Valley. Access to all the best areas. Elk, Deer and Bear. Also Coyote.
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On 12,000 acre Private Ranch. Mule Deer and Coyote. Excellent accommodations. Guaranteed Success on Bear Hunts.
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See how easy it is to become a guide. Private and Public. Call for a free brochure. See how easy it is to become a guide. Private and Public. Call for a free brochure.

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Big Game Wilderness Hunting & Fishing Pack Trips. Family Vacations.
In the Spectacular Bob Wilderness Area

MONTANA PACK TRIP HUNTS
High percentage kill on both bull elk and mule deer. Now booking for 1987. References list available. Contact us when you can.
Madison Marlas Outfitters
6000 1/2 Hwy. MT 59410
Elmer Stroud • 406-646-1666

CRYSTAL CREEK OUTFITTERS

UNITED STATES

ALASKA—Ric Martin of ^{Jemez Springs} New Mexico recommends his guide **Chuck McLaughlin** of Vall, Colorado after a brown bear hunt in Alaska with Chuck.

Dr. William Schmidt of Florida recommends guide Lee Todd of Soldotna as capable, though he did not bring home a Dall sheep from his hunt in the Wrangell Mountains.

COLORADO—Ric Martin of Jemez Springs, New Mexico gets a good recommendation from Ted Cohen of Pennsylvania after guiding Ted on a mule deer hunt.

FLORIDA—Wayne King, Jr. of Florida highly recommends the Corsican sheep and wild boar hunt at Lake Wales, offered by Carey Lightsey of the Lightsey Cattle Company.

NEVADA—Jerry Hughes and David Welch of Nevada Wilderness Trophy Hunts get hearty recommendation from Thornton Snider of California,

after his mountain lion hunt at Mount Wilson. Snider says they have excellent dogs and horses.

NEW MEXICO—Also for cougar Ric Martin of North Country Outfitters in Jemez Springs is rated "excellent the best," by Jim Longley of Albuquerque after his successful hunt in the Pecos Wilderness. On antelope Martin's outfit also comes highly recommended by Bill and Ingrid Poole of California, who hunted the Magdalen Ranch, and by Karlheinz Bodd, who says, "Ric Martin conducts an excellent hunt. I'm booking again with him in 1982." Martin is nothing if not well rounded: he is also endorsed by Dale Lott of Texas and Paul Rochester of Albuquerque, who hunted elk with him on the Baca Grant; Rochester took black bear and turkey as well. Allen and C. DeVries of Michigan report good turkey hunts with Ric, too.

CANADA

BRITISH COLUMBIA—Ric Martin has been busy. He reports a good moose hunt guided by Dusty Cooper, booked through Gana River Outfitters of Kelowna.

NORTHWEST TERRITORIES—Dogteam spring polar bear and snowmobile muskox hunts booked through Qalvvik Limited in Yellowknife are getting good reports. John Ferche of Minnesota reports a good muskox hunt guided by John Alikanik, who he describes as capable, while Ma Croteau of Quebec says the same of muskox guide George Okheena. Poole of California also endorses Banks Island muskox hunt, having

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excellent

Job Opportunity

Are you tired of working for someone else? Opportunity for position as Head Taxidermist for brand new International Wildlife Museum. Museum habitat and display experience essential. Great potential.

11

**HUNT ALASKA; Outfitted Alaskan, hunts for Caribou
Black Bear, Moose & Ducks. We furnish round trip air-
fare, float plane/jet boat, camp, food, cooking, help
packing game. August 10 - October 1, \$2695.00 and
up. Instant Fun, Sport Fishing & Hunting Tours of
Alaska, 118 Spring St., Berlin, WI, 54923;
414-361-3599. 1-8-1785**

12



1986 PRICES

| | |
|---------------|--------|
| ONE SPECIES | \$950 |
| TWO SPECIES | \$1250 |
| THREE SPECIES | \$1500 |

BROOKS RANCO
OUTFITTED
HUNTS



Wilderness Ventures
Len Mackler
411 Rhonda Street
Fairbanks, Alaska
99712
(907) 488-3259

Tundra
Drew Di
2643 Bo
Fairbank
(907) 48

LESS VENTURES (Len Mackler) and LTL (Drew Dix) will again be offering a number of outfitted hunts on the North Brooks Range in August and September. Package hunts are offered to discriminating sportsmen who have enough experience or want a fully guided hunt but want to hunt animals in true wilderness country with good populations, and very limited hunting

hunting for sheep, caribou and moose in multiple species custom tailored packages to suit your needs and schedule. In order to provide the highest quality hunts possible we strictly limit the number of hunters each year for sheep 6, and caribou 10.

Hunting requires Alaska residency or hunting license of second degree kindred. Moose and sheep do not require Alaska residency. Fully guided hunts for non-residents can be arranged in conjunction with outfitted hunts for moose and sheep in the same area. Many camp locations also offer optional grayling and arctic char fishing.

OUR SERVICES WILL PROVIDE:

Transportation required by truck and aircraft to leadhorse and the various hunting camps.

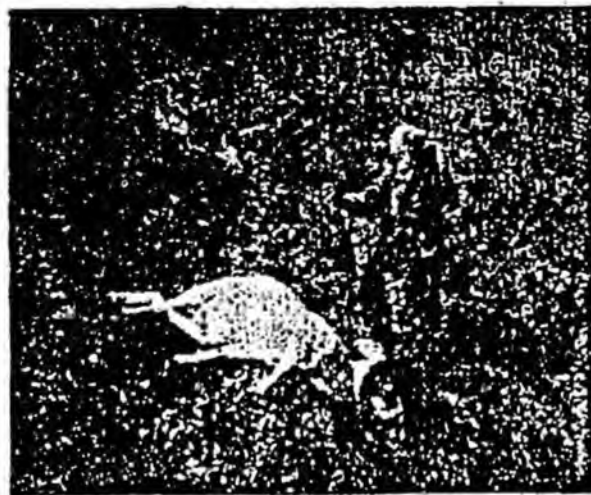
Our hunters signing up will be able to travel for a bonus with our trucks up and/or back at the beginning and/or end of the 21 day hunt period as shown on the hunter's schedule.

Meals at each hunt camp.

Propane and fuel as needed at each hunt camp.

Regular checking on each hunt party to limit hunting time and waiting to move to new species hunt after the first one.

Post hunt information on trophy judging and equipment, packing lists, and physical fitness information.



SINGLE SPECIES HUNTS

| | Number of Days | Hunt Period |
|-------------|----------------|--------------------------|
| Sheep | 7-14 | Mid to late Aug. |
| Caribou (2) | 5-10 | Late Aug. to early Sept. |
| Moose | 7 | Early Sept. |

COMBINATION SPECIES HUNTS

| | | |
|---------|-------|--------------------------|
| Sheep | | |
| Caribou | 10-20 | Mid to late Aug. |
| Caribou | | |
| Moose | 7-10 | Late Aug. to early Sept. |
| Sheep | | |
| Caribou | 10-20 | Mid Aug. to early Sept. |
| Moose | | |

TERRAIN AND WEATHER

Sheep hunting is in the rolling hills and mountains of the Brooks Range. Most camps are in river beds and the sheep are 2000 to 4000 feet above, requiring good physical condition. The weather is normally good with frost at night and sunny 50° days. It can become freezing rain and snow quickly though.

Caribou and moose hunting is in the rolling hills and flat terrain north of the mountains. Weather is colder with common temperatures of 20° at night and 30° to 50° in the day. Snow and freezing rain are common in early September.

PERSONAL EQUIPMENT

Any good flat shooting rifle/scope combination of at least .270 caliber is required. Good binoculars and variable spotting scope are a must. Ankle fit hip boots and LL Bean type leather top, rubber bottom vibram soled boots are recommended. Top quality rain gear, synthetic fill jackets and sleeping bags, and a good quality pack are recommended. Packing lists of recommended gear are available. Light weight nourishing foods are a must for sheep hunting.

GUARANTEE

Our guarantee to every client is to do everything possible within the strict confines of the law to make your outfitted, non guided, wilderness adventure successful and enjoyable.

INSTANT FUN

SPORT FISHING & HUNTING TOURS

OF ALASKA

248 Mound Street, Berlin, Wisconsin 54923 • (414) 361-4878
Fishing Consultant - Les Coates Hunting Consultant - Harold Dowell, Jr.



Dear Friend,

I have just completed another successful year in Alaska. Many large trophies were taken in our 100% kill. One of the best parts of the outfitting business is all of the new friends I've made. I sure am looking forward to seeing them at the sport shows and rehashing all the good times.

This year I have made some changes to better serve my hunting friends. I am no longer furnishing guided hunts. I cannot feel comfortable with situations I have no control over. Sorry to say, I will not have Brown Bear or Dall Sheep hunts available.

I will have outfitted Caribou, Black Bear, Ducks and Geese and something new- trophy Moose. All of my hunts will again include round trip air fare, transportation to camp, all camp gear, food and it's preparation and help packing your game. All you furnish is your weapon, sleeping bag and license.

This moose hunt is really something special! You will be taken across the bay 25 miles and then up the river 10 miles. The ride alone will be a thrill you won't soon forget. Imagine going up a river that is sometimes only 6 inches deep in a 24 foot cabin cruiser Jet Boat at 30 to 40 M.P.H. The hunt will be 7 days in length for Moose, Black Bear and Silver Salmon. If you're interested let me know soon. I only have room for 3 groups of 4 and one of those groups is already filled.

Last year at the Sports Show you were interested in going to Alaska this year for that dream trip. I am sending this letter to you now to give you the opportunity for preferred hunt dates. I will begin Sports Shows Jan. 9, so time is getting short. I will be at the following shows this year.

| | |
|--------------------|------------|
| Cincinnati, Ohio | Jan. 9-17 |
| St. Paul, Minn. | Jan 19-24 |
| Louisville, Ky. | Jan 23-31 |
| Columbus, Ohio | Feb 6-14 |
| Pittsburgh, PA. | Feb. 17-21 |
| Indianapolis, Ind. | Feb 19-28 |
| Toledo, Ohio | Mar. 3-6 |
| Cleveland, Ohio | Mar. 11-20 |
| Minneapolis, Mn. | Mar. 18-27 |

FEB 12 1983

See you there or call me!!!!
Harold Dowell Jr.

Harold Dowell Jr.

Instant Fun-Sport Hunting and Fishing Tours of Alaska
118B Spring St.
Berlin, Wis. 54923
(414) 361-3599

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SPORT FISHING & HUNTING TOURS

OF ALASKA

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Fishing Consultant - Les Coates Hunting Consultant - Harold Dowell, Jr.



MOOSE HUNT INFORMATION

SEASON Sept. 1-20

HUNT DURATION- 7 days

INSTANT FUN FURNISHES-

- A. Air fare round trip from ~~Cincinnati~~ ^{Any Major City} to Homer Ak. via Anch.
- B. Jet boat travel from Homer to camp, round trip.
- C. All camping equip., tents, cots, cooking gear etc.
- D. All food and preparation of same.
- E. Help boning, caping, and transporting game.
- F. Small boat and motor
- G. Jet boat trans. of game to Homer Ak.
- H. Van and driver for land trans. in homer.

Not furnished by instant Fun-

- A. Hunting and Fishing Licenses
- B. Sleeping Bag
- D. Weapons or Fishing Gear
- E. Personal clothing or gear
- F. Meat Processing or freezing
- G. Transportation of trophies or meat from Homer to Osh.
- H. Rooms or meals before or after normal hunt dates.

COST

\$3500.00- 50% at booking , balance payable before Aug. 1, 1988. 100% refund until May 1 1988. Refunds thereafter based upon someone else booking date. 5% AK. sales tax.



INSTANT FUN

SPORT FISHING & HUNTING TOURS

OF ALASKA

248 Mound Street
 Berlin, Wisconsin 54923
 (414) 361-4878

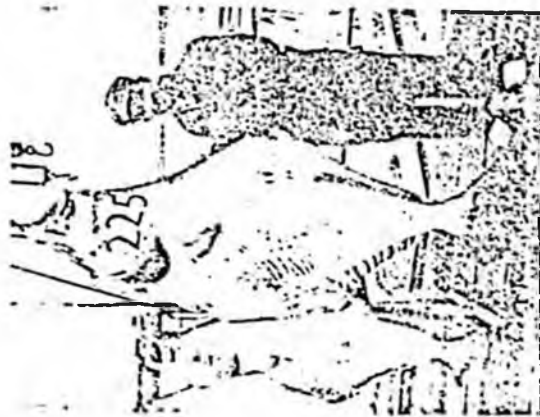
Fishing Consultant - Les Coates
 Hunting Consultant - Harold Doweil, Jr.

Reservations should be made as soon as possible, as we can only handle 12 people per week during our very limited fishing season from May 15th to August 15th.

A deposit of 40% is required to confirm a reservation. This deposit is refundable up to 90 days prior to your booking date or if your cancelled dates are later reserved by another party. The balance is due upon arrival.

YOUR RESERVATIONS

Reservations should be made as soon as possible, as we are very limited to the number of groups for our spring and fall hunts. The deposit and refund policy are the same as the fishing tours.



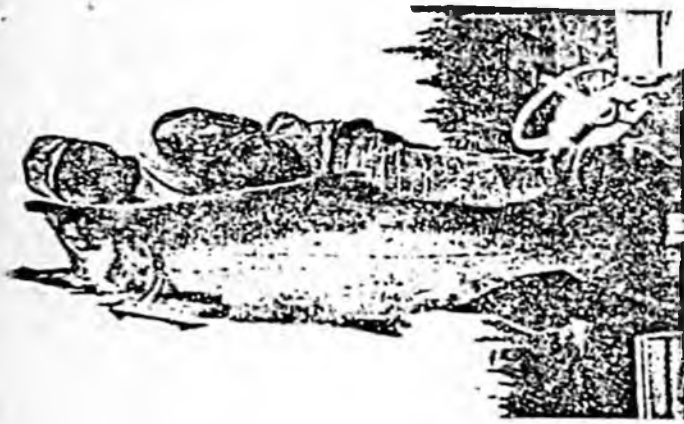
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OF ALASKA





INSTANT FUN Sport Fishing and Hunting Tours of Alaska offers you the most fabulous fishing and hunting tours you can imagine...in the most fantastic part of the world!

THE LAST FRONTIER... ALASKA!

All fishing and hunting tours are fully outfitted, including lodging, meals, boats and equipment. You will be flying over some of the most fantastic scenery at the top of the world while on your way to the best trophy fishing and hunting you can fathom. Whether it be a hunting or a fishing tour, it will truly be a trip of a lifetime!



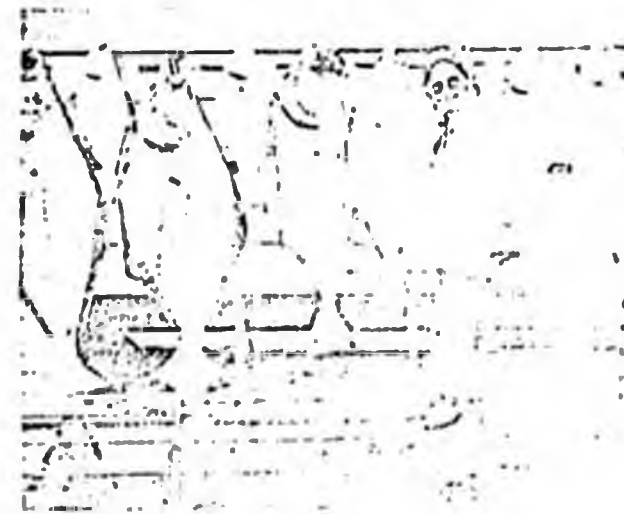
TROPHY HUNTING AT ITS BEST!

- Mountain Goats
- Caribou
- Black Bear
- Puddle & Diver Ducks



TROPHY FISHING AT ITS BEST!

- The largest King Salmon in the world!
(95 pounds)
- The largest Halibut in the world!
(Over 300 pounds)
- Silver Salmon (Coho)
 - Artic Char
 - Dolly Varden



INSTANT FUN HUNTING TOURS

MOOSE, BLACK BEAR, AND DUCK HUNTS

This is one of our most interesting hunts. It's here where we board our 27 foot jet boat and start our journey. It is very common to spot seals, sea otter, whales and porpoises while traveling the 25 miles to the river mouth. Then it's 10 exciting miles up the river to camp.

A comfortable camp, all food and help with game is furnished. Be prepared for seven days of real sport hunting 50 in. and larger Kenai bull moose, black bear and superb duck hunting. This is the hunt of a lifetime at affordable prices.



CARIBOU HUNTS!

Your Caribou hunt will be a fly-in hunting tour of a lifetime! You will fly out of Homer, Alaska directly to our hunting grounds the day you arrive, which is a flight of approximately 200 miles. We will travel by float plane over the white snow-capped mountains and glaciers which provide some of the most breath-taking scenery in the world! Upon landing you will be escorted to our comfortable tent camp.

All meals will be supplied by your outfitter. He will also give you assistance with your kill and help in any other way possible. Look forward to hunting for record class Caribou for the next five days.

Upon the completion of your sixth day, you will be flown back to Homer to return home.



HUNTING TOURS RATES INCLUDE

CARIBOU

- Float Plane Travel
- Tent Camp
- Outfitter
- All food
- Help with all game

\$2695.00 per person
Group of 6

MOOSE, BLACK BEAR, GOATS AND DUCKS

- Jet Boat
- Tent Camp
- Outfitter
- All food
- Help with all game

\$3500.00 per person
Group of 4

NOT INCLUDED

- Sleeping Bags
- Personal Items
- Hunting Licenses
- Weapon
- Alcoholic Beverages

ALASKA CARIBOU HUNT PLUS PTARMIGAN AND FISHING



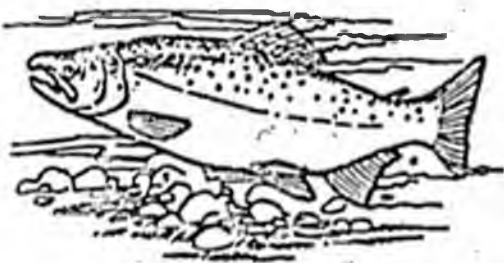
IF YOU ARE LOOKING FOR THAT TROPHY CARIBOU RACK WE'VE GOT THE PLACE... WINGSHOOTING AND BIG GAME HUNTING FROM THE SAME CAMP... RESERVE YOUR SPOT NOW THESE DATES WILL NOT LAST LONG... YOU CAN ALSO WORK IN A LITTLE FISHING.

This will be Trek's second season offering this particular caribou hunt. The hunts last year were a great success. We advertised one date last year and it was booked solid in a matter of weeks. This year we have added one more date. Though the caribou is what most hunters come to Alaska to shoot, ptarmigan offer some very exciting wingshooting.

This is an un-guided hunt from a comfortable camp. If you have done any big game hunting at all you will not have any problem getting that dream rack. The barren ground caribou in Alaska are well known for their migratory patterns. These big animals move from their summer feeding grounds to the winter feed in the late summer. Thousands of them travel in both great herds and small groups and when they are on this migration is the prime time to hunt them. Changes in a good head are excellent. Last year everyone in the Trek group collected a representative head and a couple of hunters bagged real trophies.

Each trip is for ten days and nine nights with six full days of hunting. The trip starts with your arrival in Anchorage. You will be met at the airport and taken to the Clarion Hotel. The Clarion is the newest and one of the best hotels in Anchorage. After checking in we will take you to get your license and other incidentals needed at the camp.

The next day we take a commercial flight to the village of Aniak. From there a bush plane will fly you to the camp. The camp area is located in the Mulchatna range, famous for migrating caribou and ptarmigan. Since you cannot fly and hunt on caribou on the same day we will shoot ptarmigan that afternoon. The next six days you will be stalking caribou and shooting ptarmigan. Also if weather and time permits, some fishing can be done as well. The last day at camp we depart by bush planes back to Aniak in time to catch the commercial flight to Anchorage where we again



overnight. The final day of the trip you catch your return flight home.

Hunting here is done on the "buddy system" with two hunters together at all times. Walking can be long and tiresome on some days, and on other days you can practically bag one from camp. Most of the walking will be on the plains or up small mountains. Basically, we feel if a guy can walk 18 holes of golf, he can physically handle this hunt.

The ptarmigan shooting is much like quail hunting in the "Lower 48". A labrador retriever will be available at the camp. Our host and cook are Rick and Lori Townsend who have hunted and fished in Alaska the past eight years. Living quarters are "weatherports," which are sturdy fiberglass quanset huts. Generally there is adequate space for four per hut. Kerosene heaters are provided to heat each hut. Hunting licenses will be purchased in Anchorage. A caribou license is roughly \$300.00 and small game is \$90.00. A complete itinerary for those making this trip is provided to help answer most questions regarding gear, weather, etc. But definitely bring your shotgun and rifle.

This is a typical Alaska "non-guided hunt." All service is provided except a guide taking hunters by the hand to put them on caribou. The camp is in the migration area and camp personnel will have spotted the animals and will direct hunters to the best locations. Each hunter, or pair of hunters, will do the hunting on their own. The camp staff will take care of everything else.

The trip fee covers all costs of the trip from Anchorage, including hotel and flights. The trip fee does not cover tips, alcohol, flying out your game, or meals in Anchorage.

TRIP FEE: \$2495.00 (from Anchorage)... 8 HUNTERS MAXIMUM...

DATES: September 18-27... September 26- October 5...

TREK WILL ASSIST THOSE WHO NEED HELP IN BOOK-

TREK INTERNATIONAL SAFARIS

P.O. Box 19065

Jacksonville, Florida 32245

FOR RESERVATIONS CALL

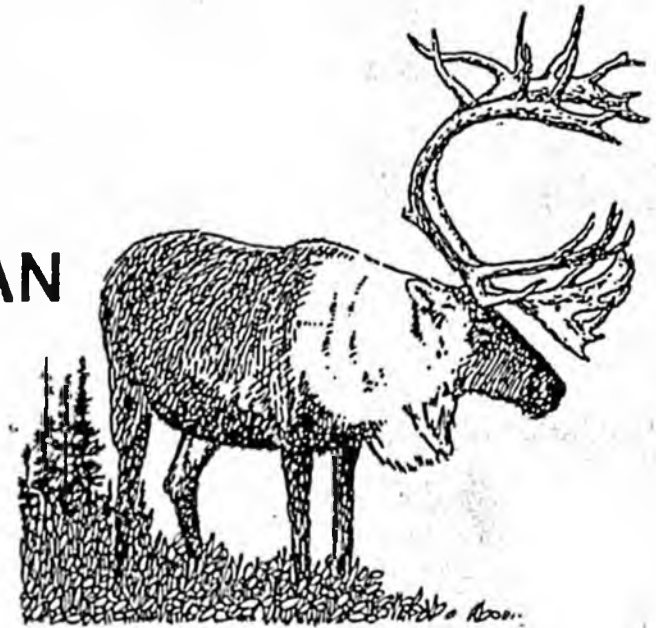
Outside Florida — 1-800-654-9915

Inside Florida — (904) 733-3236

SAFARIS CONNECTION

ALASKA'S WESTERN ARTIC CARIBOU
HERD OF 250,000 AND ALASKA'S
LARGEST MOOSE POPULATION

BARREN GROUND CARIBOU / ALASKAN MOOSE COMBO



SAFARIS CONNECTION, INC. has hunted this location and we are going back this year. We know there are 400+ Boone & Crockett Caribou trophies and 200+ Boone & Crockett trophies available. Custom drop camps and the bush flights in and out are included. (SEE BACK FOR GENERAL INFORMATION)

SEPTEMBER 1 - 30, 1988
10 DAY HUNTS

CUSTOM DROP CAMPS \$1,695.00



"Idaho's Experts in Worldwide Hunting"

9520 Fairview Avenue • Boise, Idaho 83704 • Local phone 1-208-322-7300 • Long distance phone 1-800-225-2502 tone 322-5902
Hunting Consultants: Larry Hoff, home phone 1-208-377-2291 • Roger Anderson, home phone 1-208-266-7060 • Adrian Roberts, home phone 1-208-343-3364

GENERAL INFORMATION SHEET

Arrange your own hunting group at \$1,695 per hunter with a maximum of 4 hunters and a minimum of 4 at camp per hunt group. Deposit of \$500 per hunter required to make reservation.

HUNTER PROVIDES THE FOLLOWING:

1. Commercial Airline Ticket
2. Lodging (if necessary) at bush pilot connection
3. All clothing & hunting equipment
4. All food / plates and utensils
5. Licenses & Tags (Hunting License \$60 / Caribou Tag \$300 each)
6. Hunters responsible for all camp cleaning.
7. All other camp equipment if not listed below.

FURNISHED AT CARIBOU DROP CAMP:

1. Large cook tent
2. 2 sleep tents
3. Large propane stoves & heat
4. 3 lanterns
5. 4 frying pans, 4 cooking pots, 2 coffee pots, 4 spatulas, 4 large spoons, 2 dish washing pans & 4 water buckets

RECOMMENDED CLOTHING:

1. 2 pairs light duofold underwear
2. 1 pair walking boots (6" high or more) or rubber bottom, leather top shoepacs.
3. 1 pair camp shoes.
4. 1 pair sportsman's lightweight hip boots, ankle fit.
5. 2 pairs gloves (heavy cotton is suitable)
6. 2 pairs heavy long underwear
7. 1 lightweight woolen jacket, roomy
8. 2 heavy woolen shirts or sweaters & 2 flannel shirts
9. 2 or 3 pairs of pants, sturdy wool or heavy cotton
10. 1 medium-warm down jacket, with hood
11. 10 pairs woolen socks & 4 pairs light woolen socks
12. 1 raincoat, knee-length (not plastic). Not light or bright colored.
13. 1 good hat, with ear flaps (no bright colors). A billed cap is a good choice. Handkerchiefs

RECOMMENDED GEAR:

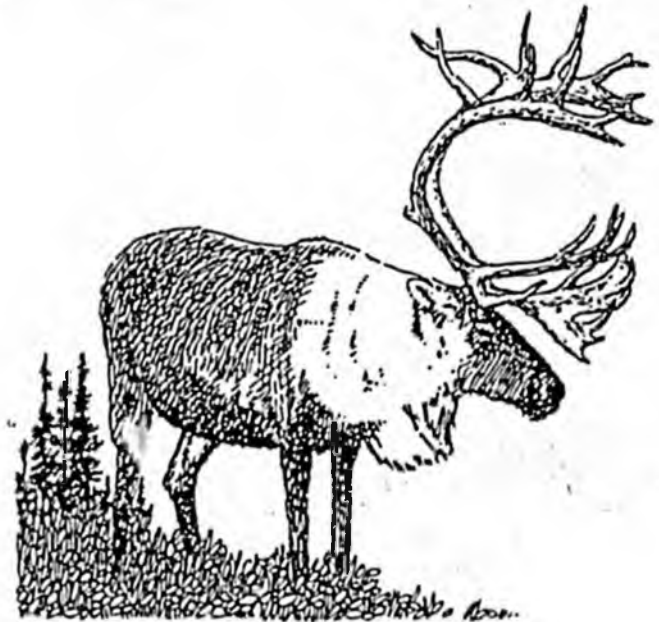
1. Good stuff sleeping bag
2. Pack frame / ropes
3. Fanny pack / day pack
4. 60 quart cooler (for food)
5. Meat sacks (extra duffle bags)
6. Miscellaneous: insect repellent, knapp saw, pack rod/reel, camera/film, flashlight, matches w/ water proof case, small plastic squeeze bottle (drinking), knives/steel
7. 5lbs of salt per animal minimum (in a plastic case)

Extra clothing for late September/October hunts: warm mittens, insulated boots, heavy down insulated coat w/ hood, warm cap. Field clothing should be carried in a waterproof duffel bag, not a suitcase.

SAFARIS CONNECTION

ALASKA'S PENINSULA HERD
OF 62,000

BARREN GROUND CARIBOU



SAFARIS CONNECTION, INC. has hunted this location and we are going back this year. We know there are 400+ Boone & Crockett Caribou trophies available. Custom drop camps and the bush flights in and out are included. (SEE BACK FOR GENERAL INFORMATION)

Arrive Spike Camp

Hunt Days

Leave

1st Group September 1st

2nd - 8th
(7 Hunt Days)

September 9th

2nd Group September 9th

10th - 16th
(7 Hunt Days)

September 17th

3rd Group September 17th

18th - 24th
(7 Hunt Days)

September 25th

4th Group September 25th

26th - October 2nd
(8 Hunt Days)

October 3rd

CUSTOM DROP CAMPS \$1,295.00



"Idaho's Experts in Worldwide Hunting"

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4. All food / plates and utensils
5. Licenses & Tags (Hunting License \$60 / Caribou Tag \$300 each)
6. Hunters responsible for all camp cleaning.
7. All other camp equipment if not listed below.

FURNISHED AT CARIBOU DROP CAMP:

1. 2 sleep tents
2. Large propane stoves & heat
3. 2 lanterns
4. 2 frying pans, 2 cooking pots, 1 coffee pots, 2 spatulas, 2 large spoons, 1 dish washing pans & 2 water buckets

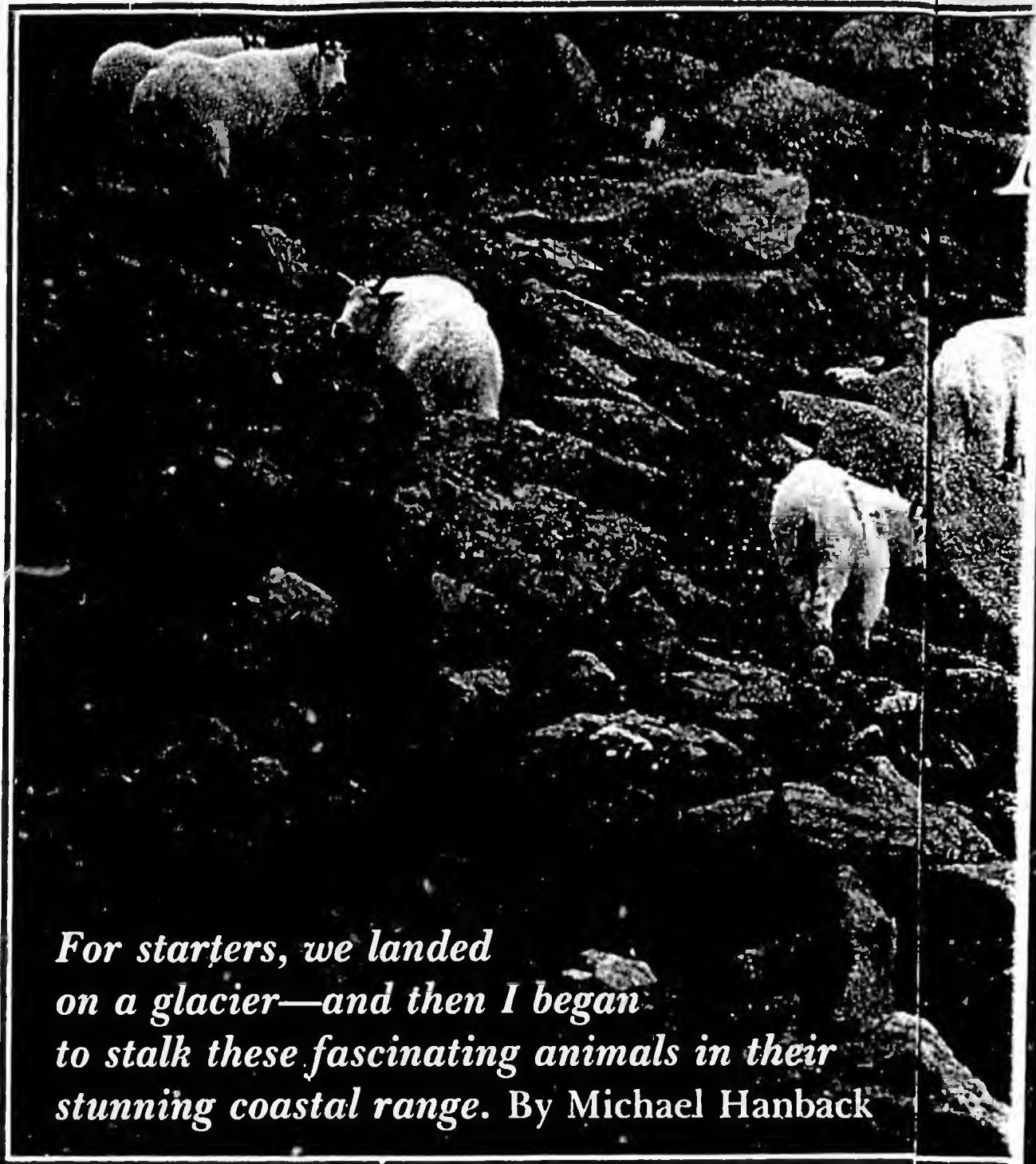
RECOMMENDED CLOTHING:

1. 2 pairs light duofold underwear
2. 1 pair walking boots (6" high or more) or rubber bottom, leather top shoepacs.
3. 1 pair camp shoes.
4. 1 pair sportsman's lightweight hip boots, ankle fit.
5. 2 pairs gloves (heavy cotton is suitable)
6. 2 pairs heavy long underwear
7. 1 lightweight woolen jacket, roomy
8. 2 heavy woolen shirts or sweaters & 2 flannel shirts
9. 2 or 3 pairs of pants, sturdy wool or heavy cotton
10. 1 medium-warm down jacket, with hood
11. 10 pairs woolen socks & 4 pairs light woolen socks
12. 1 raincoat, knee-length (not plastic). Not light or bright colored.
13. 1 good hat, with ear flaps (no bright colors). A billed cap is a good choice. Handkerchiefs

RECOMMENDED GEAR:

1. Good stuff sleeping bag
2. Pack frame / ropes
3. Fanny pack / day pack
4. 60 quart cooler (for food)
5. Meat sacks (extra duffle bags)
6. Miscellaneous: insect repellent, knapp saw, pack rod/reel, camera/film, flashlight, matches w/ water proof case, small plastic squeeze bottle (drinking), knives/steel
7. 5lbs of salt per animal minimum (in a plastic case)

Extra clothing for late September/October hunts: warm mittens, insulated boots, heavy down insulated coat w/ hood, warm cap. Field clothing should be carried in a waterproof duffel bag, not a suitcase.



For starters, we landed on a glacier—and then I began to stalk these fascinating animals in their stunning coastal range. By Michael Hanback

Sitting up here alone at 5,000 feet, I feel the swirling mist, watch the gray clouds, spitting rain, scud the snow-capped ridgelines. In the steep gorge below, a roaring fiord, gleaming like the sharp blade of a knife, slices wildly to the emerald sea. Snowfields shimmer in the tops of alpine basins and funnel down toward sea level, melting hard into verdant mountainsides and lush, dripping jungles of hemlock and Sitka spruce, the spectacular rain forests of southeast Alaska, green as a pristine springtime. Sitting here along this muddy goat trail, mind reeling in the panorama, it is easy to conjure these infatuating reasons for hunting mountain goats.

One is for the ultimate climax, of course, to

add a unique trophy to the wall. In this case, white, bearded, oddly fascinating *Oreamnos americanus*, a creature with huge, liquid eyes the color of oil and piercing black stiletto horns. A squarish, stout, hump-backed ruminant with a bulging winter coat trimmed neatly at the knees, wearing knickers. Lay eyes on a mountain goat for the first time and it strikes you that here is a big game animal caught in evolutionary limbo, the bone and skin and tiny horns more defined than its Asian antelope predecessors of the Pleistocene Epoch, but more raw-boned and crudely muscular than its 20th-century mountain neighbor, the graceful Dall sheep with flaring horns of amber.

Another is for the sheer adventure of traveling

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Alaska Goat Adventure

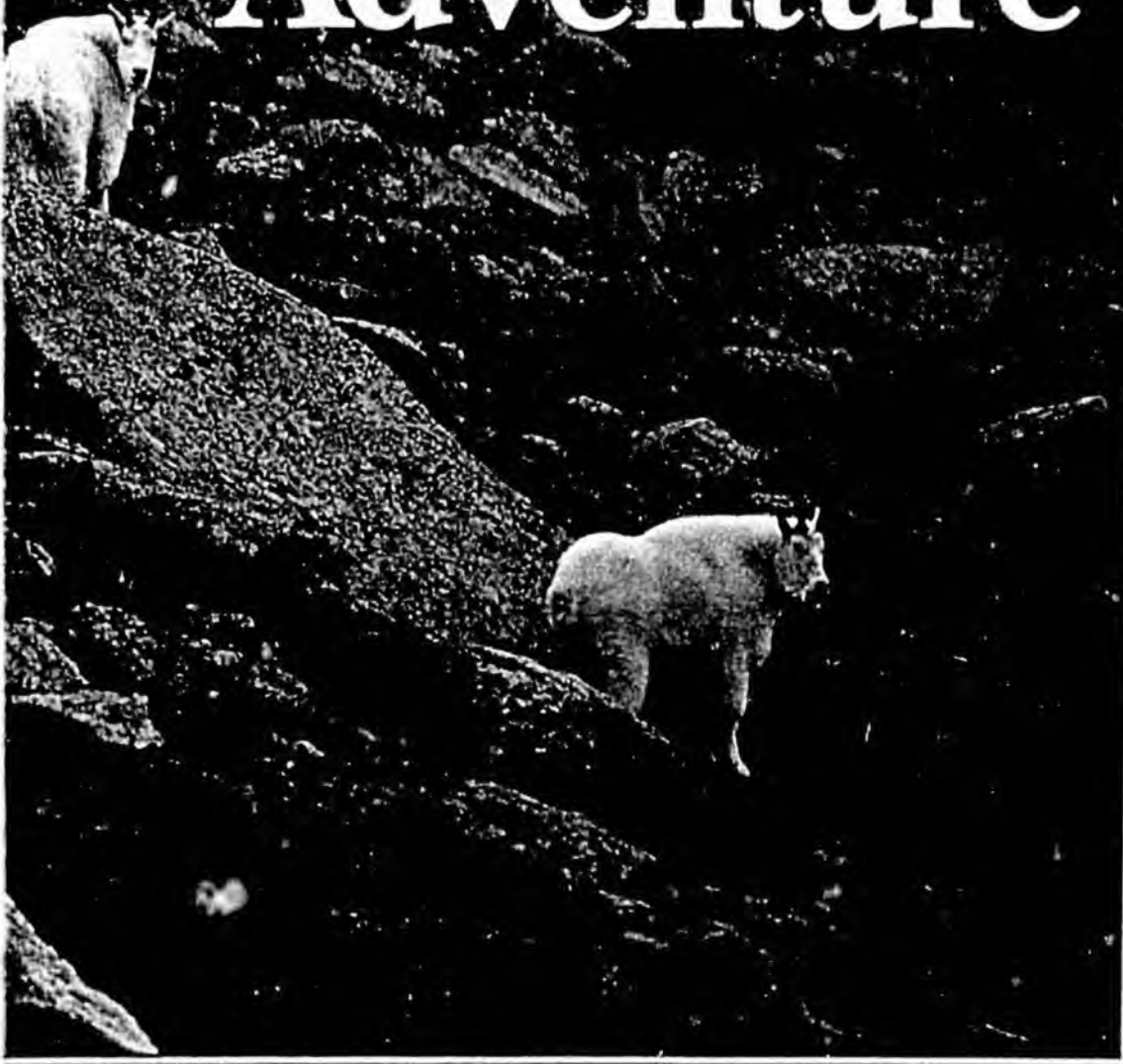


Photo By Ovis/Jeff Vanuga

into and experiencing goat country, of the thrilling bush flights that rock low over the stunning wilderness and set you down in the midst of some of the wildest country in North America, where you set up spike camp and hike through the boreal rain forests, past the sub-alpine tree line, up into the steely, gleaming mountain heavens.

Finally, for this invigorating opportunity to hunt Alaska without a guide! Up here in this rugged, unforgiving country you will be largely on your own, making your own decisions. You must study your hunting area, imprinting its map on your mind. You must learn your quarry, the most obscure big game animal on the continent, and know his habits in and out. You will

have to know where to find him (goats are the most inaccessible of all big game), how to judge him (an inch of horn is critical!), decide how and when to stalk him, and then make the shot. *You* will control the destiny of your hunt. And isn't that the way it should be?

Socked in in Wrangell, lingering in the quaint fishing and timbering village of 3,000 on the northern tip of Wrangell Island. I spent the past few days here, waiting anxiously for the rain and fog to lift so I could get up on that goat mountain. Now this is the norm when hunting southeast Alaska's 400-mile panhandle, which gets from 80 to 200 inches of rain a year depending on where your jump-

off point is along the rain-forested coast. But time spent in Alaska is never wasted. I visited the docks, watched colorful, hard-working fishermen on fleets of iron vessels motor in with the day's catch of crab, shrimp, salmon, and halibut, watched them fill the canneries to the brim with prizes of the sea. (The fresh prawns at the Stikine Inn were wonderful!) I explored the rich Indian history, the original totems carved by the Tlingit over 200 years ago, and the remarkable ancient "petroglyphs" on the beach, rock carvings of unknown time and origin, fish and animals and eerie human faces etched in stone, spiritual messages frozen in time. I sneaked up into the dense

Yakutat, by sheer size the greatest goat country on earth. Flying in was thrilling as always, and then the landing was the ultimate experience.

Our Cessna was equipped with wheel-skis you see, and we landed on a glacier! As the pilot banked low over the flowing sea of ice, I squinted—the shimmering basin appeared so ironically hot in the harsh, white light. I put on RayBans and peered into its glistening innards, into its crystalized surface and spiraling, concentric circles, time lines etched in the ice; my eyes ran to the deep moraines and jagged ridges rimming the ice, *munataks* to the ancient Indians, towering pillars of talus in the endless sky. I had read



Today, the spectacular ice fields of the southeastern coast are microcosms of all of Alaska 100,000 years ago. We landed on a gleaming glacier and spike camped above it, hunting right up with the goats at 5,000 feet.

Photos By Author

timber country and glassed cuts and burns for black bears, fished the tail end of the salmon run in fresh, cold streams that snaked to the sea. It was a fascinating exploration of coastal Alaska until the pilot said the ceiling had lifted enough to sneak us up. Time to goat hunt!

The flight in was an adventure to savor. My friend Bruce, an agent of Alaskan Coastal Adventures, and I wedged into the Cessna, and the pilot lifted gently over the endless maze of spruce islands and rippling, jade waters. What scintillating country from the air! These islands, part of coastal Alaska's unique Alexander Archipelago, are the mere peaks of huge mountains sunk in the North Pacific thousands of years ago, and I strained to see beneath the ocean's surface—what lurks in the mountains below? The mainland to the east, where I would be hunting, is wild country, a sprawling land of lush rain forests; brawling rivers, fords, and waterfalls; jagged, snowy peaks; and gleaming ice fields and valley glaciers. From the Cessna, the grandeur of the country is overwhelming. It strikes you as a land of many paradoxes, soft yet harsh, remote yet inviting. And what really sets the mind running is that all this is public domain, yours and mine, the 17 million acres of the Tongass National Forest. The Tongass is by far our largest national forest, running the length of the Alaska panhandle, from below Ketchikan to above

where today an amazing ice field appears a microcosm of what all of Alaska was 100,000 years ago. This must surely be. And now goat hunters can land here! The little plane was tossed about like a toy kite in the swirling glacial breezes, its engine buzzing incessantly, until the pilot throttled back, skis touched, and we skidded to a gentle halt on the silvery, grinding field of ice.

Bruce and I unloaded our gear—two-man tent, a backpack apiece, a box of food, rifles, mountain rappelling gear, plastic snowshoes—and slid up the north end of the glacier to an old mining cabin, our spike camp for the hunt. The pilot would come skiing in for us in a couple of days—fog permitting, of course. Otherwise we would backpack the 10 miles out to the coast. The warm September sky was sparkling now, but we would get rain and soup, guaranteed as death and taxes. But do you doubt a guy who can land on glaciers? When he said he would see us on the 21st, I believed him. He fired his Cessna and slid across the glittering ice and was gone in a gentle roar over the northern *munataks*.

From here I would be on my own, hunting goats in this awesome country while Bruce monitored things from camp. This intriguing concept of drop-camping hunters into southeast Alaska was conceived by Dick Wormington, Rob Shelly, and Chuck Wagner, who own and operate Alaskan Coastal Adventures out of

Beaumont, California. After bowhunting the spectacular Alaska panhandle last year, stalking in remote coastal areas and finding an abundance of big game (they all arrowed nice black bears), they decided to put together unique, affordable hunting packages geared to nonresidents. In addition to goats, they offer combination rifle and bow hunts for moose, black bears, caribou, and blacktail deer in prime, lightly hunted country. They fly you in, outfit your tents or cabin, feed you well, and keep someone in camp to point you in the right direction and then help you pack out game. But you hunt alone or with a friend or partner, and this is most intriguing of all.

Hunting Alaska on our own has long been a dream for many of us, inner urges whispering to the soul that we must go into the wild country just once alone to stalk big game and learn a little about ourselves as hunters. The main problem is access in this huge land. Just choosing an area to hunt is a perplexing problem. Then getting into a specific range is even tougher. Prime game country, particularly goat country, is remote and inaccessible. Trying to arrange the right charter flight, setting up with the right gear, making all the right connections, seems an overwhelming proposition.

continued on pg. 46



A common quirk in goat hunting. As the 180-grain Nosler took its shoulder, the goat leapt, stone dead, off the mountain into a steep, rugged crevice 1,000 yards below. Though missing one horn, it was amazingly in good shape. Bruce, an adept mountain climber, helped scale down and retrieve it.

Alaska Goat Adventure

continued from pg. 39

The alternative, of course, is to hire an outfitter, a safe, conservative, effective way to hunt the great country. Fully guided hunts in Alaska are great adventure, but expensive; a first-rate combination hunt can run \$10,000. And perhaps it is even more costly to the soul. Remember that yearning to hunt without a guide? Alaskan Coastal Adventures offers a middle-of-the-road approach to hunting Alaska, taking care of the headaches, getting you into prime game country, letting you concentrate on *hunting*, with trips starting at less than \$1,500. Drop-camping in this coastal wilderness can lead to an immensely satisfying, unforgettable adventure.

So here I sit in the swirling mist, watching the old black-horned billy yawning innocently in his bed a half-mile away. What an odd encounter! Where was he yesterday when I scouted this sprawling glacier basin, getting a feel for the country, enjoying the last of the warm autumn sunshine, anxiously waiting a day to hunt (no hunting the same day you fly in Alaska), searching for my first goats? Has he ever seen a man? Has another hunter ever stalked him here? Intriguing thoughts as I plan my first goat stalk.

Closer, through the spotting scope, the old billy is big as a white bear, shimmering in the faint evening light. His horns look black and heavy at the bases, and as long as his face, but you read so much about judging goats, about that magical nine-inch mark, just how do you know? What is this perplexing infatuation with mere inches of horn anyway? The billy is beautiful, a stunning product of its marvelous environment, and if my stalk is a good one and the shot true, then isn't the hunting experience complete? I am warmed by this realization and start to stalk.

Wait! He has made me and is up, running stiff-leggedly toward his escape cover, an 80-degree wall of stone to the west. So much for those ill-conceived notions that goats are overly curious, or dumb. I curse myself for being so careless, for moving too fast and skylining, but then pause to marvel.

He is indeed an odd-looking creature, but how interesting. When he ambles away, pausing every 100 yards or so to look back at me with his ebony eyes, his brilliant-white winter coat explodes along his muscular back, making him look twice his 300 pounds, dwarfing his skinny black horns, looking longer now. I'd swear they are 10 inches, a hell of a set of goat horns. I run frantically at him, kneeling and swirling the scope on him as he lumbers farther and farther away, to the

base of the rock wall. Too far and risky for a shot. Then he hops agilely onto the rock, spongy hooves grabbing the smooth, gray stone like suction cups, lays back his ears, points his slender face upward, and starts scaling relentlessly. Can there be a more remarkable sight in nature? His gait up the sheer talus is steady, methodical, muscles rippling as he glides up the rocky skyscraper. I note incredulously that there is a *worn* goat trail up this vertical rock. He pauses on a

It is wonderfully intriguing hunting, really, seeing lots of country and lots of game.



Photo By Orvis Jeff Vanuga

plate-sized ledge, front and back hooves touching in the classic, humped mountain goat pose, and peers back at me once more before teetering over the top out of sight. I slump to rest in the rocks, richer for having witnessed such a marvel, for having not shot the first goat I stalked.

I hunt on. I love stalking these mountains, hiking along the old goat trails, trying to read their tracks and droppings, picking up their yellowed, summer-shed hair, then pausing to glass cross the canyons, chilling in my own cold sweat. I can see 100 miles in every direction it seems, but will be lucky to hunt a fifth of it. There are plenty of goats miles away but inaccessible, cut off by near-vertical gorges, roaring fiords, and steep, rugged ridges. Families of snow-white nannies and kids playing on moss-carpeted hillsides, and old bachelor billies lying higher in the alpine, tougher to see, peering intently down, poised to escalate quickly over the top of a peak if a predator approaches from below. Hunting right up here with the goats, it strikes me that you should never pass the chance to glass one, big or small, nanny or billy, because life may never give you the chance again. It is wonderfully intriguing hunting, really, seeing lots of country and lots of game, marveling at goats from afar, yet peering intently into every nearby cut and crevice, hoping to find one within killing range.

Tomorrow, I will try to sneak within range of that big billy that gave me the slip, and these thoughts consume the conversation back in spike camp. Bruce has set up our tent in the middle of the old mining cabin, and things are comfortable. After a refreshing hot dinner and coffee, we check the map to see if I can get on him. We decide I can circle his mountain and peek into the next basin, but will he be there? Will the weather hold? Will I blow another stalk? I fall into a fitful sleep, tossing and turning to the steady pelting of new rain on the cabin roof, a cool north wind whipping off the glacier below.

The two-mile hike over the loose, rocky ridges, across the shimmering snowfields, is short and anxious this morning. The light, steady rain continues to fall, and mist wisps in and out of the valleys. The country is eerily silent, seemingly devoid of life. I crawl to the new side of the mountain and peek into the smoky basin, hoping for visibility. A lone goat! And four more, feeding on lichens! I glass shakily, swinging off the nannies and kids to the loner. I cannot see its head or horns, just its big, white body curled behind a huge rock. Is this the big billy? No way of telling, but I think I can get close so I test the wind and begin to stalk, mind reeling in excitement.

I am above the goat, and this is good; it is resting on a little ledge, facing down-

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hill, the normal direction from which a bear, or a man, would approach. There is a little swale leading straight down, and I get in it, lying back into the verdant mountain, gazing up into the swirling heavens, cradling the Ruger .30-06 in one hand, crabbing my way down on the other hand and heels. I need to close 500 yards for a shot, to within 200 yards, fine killing range for the '06 shooting 180-grain Nosler Partitions in Federal Premium. Only trouble is I cannot see the sleeping goat from the swale. Anxiously I inch closer, closer, and guess it's time to sit up. The goat is on its feet, head cocked, peering inquisitively back at me with those black, liquid eyes a mere 60 yards away!

Those eyes, so innocent and mesmerizing. There is a transfusion of fear and sorrow between us as I begin to ease back the trigger. This is not the big billy, but through the Bausch and Lomb scope at 6X, what a beautiful creation, a gleaming-white symbol of all that is free and

wild in this stunning country. Stalking so close to this odd animal, peering into its uncertain eyes, marveling at its little black, dagger horns, feels numbly wonderful. The 180-grain Nosler takes out its shoulder. Then the pristine, satisfying moment becomes a shattered daze as the goat lunges convulsively and vanishes into the thin mountain air.

I rush to the mountain ledge and hear the goat falling, tumbling into a drainage hundreds of yards below. I am void of all emotion. The ultimate horror in goat hunting has for me become reality. You never shoot a goat in a tight spot, where it might fall miles and miles into steep, craggy crevices, never to be retrieved. But I had hit this goat well, I thought, on as gentle a slope as you will find in this country. He had simply, by some quirk of fate, leapt stone dead in midair into the crevices far below.

Misty rain and fog intensify as I scale down the slick, mossy ravine, searching frantically now. I am scared that I have

stalked this wonderful animal in this wonderful country and tainted the whole experience by losing the goat. Dreadful thoughts fleet through my mind like wisps of fog in the mountains. But there, in a rain-slickened crevice 1,000 yards below! I can see that its fragile, hollow horns are broken at the bloody cores, but thank God I have found it.

Somehow, miraculously, I find one tiny black horn on the way down, a shade under nine inches. Again another quirk of fate—how could I have stepped on this little sickle of a horn on such a mammoth mountainside? When I finally get there and rub my hands through the thick, coarse coat, I find the goat, amazingly, in good shape. I stick the one horn on its core, and the goat looks particularly odd, but I am reassured by the thought that my taxidermist can make an injection mold for the other. My goat will have two horns on the way.

It takes the better part of the gray, chilly day for me and Bruce, an adept mountain climber, to pack out the goat. There is a lone stunted spruce 1,000 yards up the ridge, and we tie off the rappelling rope, hop down, and skin and butcher, then rappell back up, hauling the hide and quarters. It is hard but rewarding work. We sit in silence in the swirling mist, pondering personal thoughts on the little ledge where the goat made its final leap, before stuffing our backpacks and heading crosscountry for spike camp.

We break camp in a frenzy and slide out onto the glacier with our goat and gear. How time flies in this country! It is September 21st, and only 10 minutes of flying light remain. The flight out will be yet another adventure. We hear the pilot coming, circling, circling, trying to get in, but heavy fog is socking in the glacier, and the high country is near complete white-out. Suddenly a soft, southerly glacial breeze pushes up a layer of fog, creating a small tunnel. Here he comes, the Cessna screaming incessantly, the wing lights creating a swirling kaleidoscope of green and red on the gleaming sea of ice as he skis to a stop 100 yards away.

We frantically pitch our gear aboard and strap in in the faint, eerie light. Ground time a minute, thirty. There is no time, or visibility, to taxi across the glacier. The pilot simply throws her full throttle and we whirl up over the nearest *nunataks*, breaking the heavy glacial fog, climbing into clear skies with a full three minutes to spare.

Fate, I guess, takes the Cessna humming low over the misty mountain where days earlier I had sat pondering personal reasons to goat hunt. I peer quietly down into the rain-slickened drainage far below where the goat died, feeling a tinge of sadness yet thrilled and satisfied, mind reeling in the endless panorama of coastal Alaska. ■

Planning A Coastal Alaska Hunt

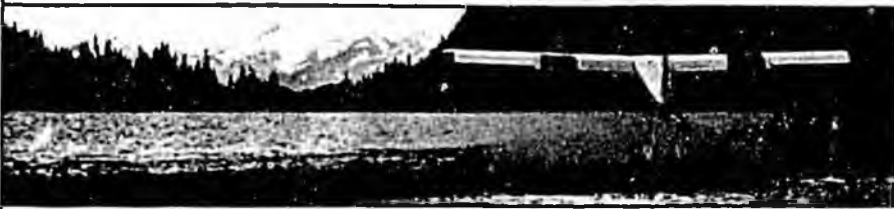


Photo By Author

Outfitter: For information on planning your own Alaska hunt, contact: Alaskan Coastal Adventures, 540 Euclid Ave., Dept. AH, Beaumont, California 92223; phone (714) 845-5413 or (714) 845-1831.

Seasons & Success: Mountain goat season in southeast Alaska runs Aug.–Nov.; moose and caribou Sept. 1–20; Sitka blacktail Aug.–Nov.; fall black bear Sept.–Nov., spring bear April through June. Alaskan Coastal Adventures had amazing success its first year: 100% on spring bear, with kills in Pope & Young and Boone & Crockett, some bears in the 400-pound range; near 100% on goats, again with book animals and possibly the new world record P&Y billy! Several 10-inch goats were taken.

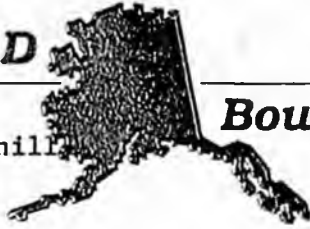
Hunting Methods: All hunts fly-in to wilderness cabin or tent camps. Some bear, moose, and caribou trips feature skiffs or inflatable Kodiak rafts with motors. These outfitters are all bow-hunters and will work hard to set up successful bow, rifle, and handgun hunting opportunities.

Cost: Spring and fall hunts start at \$1,450; a new moose/caribou/fishing

combo on Kenai or Alaska Peninsula, a seven-day adventure, is \$2,800. Prices include all bush flights, meals, and accommodations.

Trip Notes: If I were hunting coastal Alaska again this fall, I would plan to hunt black bears along with a goat in early Sept., coinciding with the salmon run. Last year a party before me all filled out with seven nice bears feeding along the rivers. . . . I hunted in Game Management Unit 1 in mid-September. . . . Licenses are no problem—Alaskan Adventures has an agent who will sell you big game tags upon arrival. . . . It rains a lot in coastal Alaska, so bring at least two pairs of quality rain gear, the best you can afford, and wear wool or Polar Fleece. . . . And bring quality optics—my Bausch & Lomb Balvar 3X-9X rifle scope and Bausch & Lomb binoculars stayed soaked but performed wonderfully. . . . Bring your own spotting scope and backpack. . . . My taxidermist, Tom Hardesty of Atcheson Taxidermy, 3210 Ottawa St., Butte, MT 59701, made a perfect duplicate of my goat's horn, and now it has two. . . . Enjoy the adventure! *M.H.*


NORTHWARD



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Senator Jack Coghill
Chairman,
Senate Resources
P.O. Box V
Juneau, Alaska 99811

February 18, 1988

RE:GUIDING - GUIDE BILL - GUIDE BOARD

Dear Senator Coghill:

I am writing you as a director of the Alaska Professional Hunters Assoc., a past member of the Guide Board, as well as a Master Guide with over twenty years of alaskan guiding. I grew up in the industry and have developed some fairly specific ideas.

I will apologize at the onset for the length of this letter and will divide it into sections to facilitate fragmented reading. I will give an overview of our profession, it's problems, and some suggested solutions in hope that under your administration constructive changes can be implemented that will benefit our profession, the public interest, and the wildlife resources of the state.

Past administrations have had little recognition of our industry. Recent surveys done on the sport fishing industry indicate some staggering revenues coming into the state. Past studies on sport hunting have also been very impressive and the two industries combined must unquestionably be the anchors of Alaska's tourist industry. Even those who do not come here to hunt and fish are greatly influenced by the knowledge that they could if they wished. These industries depend upon renewable resources, and consequently properly controlled and managed, have an infinite life. They are of extrem importance to Alaska. Most of the dollars turned stay in Alaska. These are alaskan business through and through!

GUIDING:

Early contemporary guiding in Alaska was primarily done by airplane. The guides while being colorful characters and great individualists were virtually unregulated, and many lived nomadic existences, with little responsibility toward resource management. They could be likened to the early buffalo hunters of the American West.

As populations grew and resource use became more competitive, management and control became essential. Some of the old time guides were slow to accept the new laws and concepts so consequently were quickly labeled "bandits". The public's negative image of guiding has still not fully recovered.

Some of our problems are internal and self generated, these are being addressed and can hopefully be resolved. Most of our problems stem from the evolution of our current restrictive area system as it has matured and developed.

The Guide Board was established in 1973, and the restrictive area concept conceived in 1974. Both have aroused considerable controversy. Recent audits of the Board and it's actions have been critical and the current conflict between legal guiding and illegal outfitting have raised further questions.

PAGE 2.

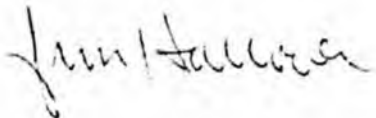
Both the CONCEPT and the SYSTEM are GOOD. The legal guiding profession should welcome this opportunity to resolve some of these problems and misunderstandings.

In over a decade of constant snipeing and criticism no one has suggested a better system. The opponents would like to see it abolished and things revert back to where they were twenty years ago. This would create complete chaos and the wild-life resources would suffer.

In the following pages you will find four seperate sections. Some general comments regarding current guiding issues; major problems that have been called to the attention of the Guide Board and some comments in response; some complaints that have been voiced by resident Alaskans; and finally a section on suggested solutions.

Again I apoligize for all the words. These issues are of extreem importance, and I bring them to your attention with the hope that you will have a better perspective in the weeks to come when your influence and support will be so valuable in achieving a resolution to their long standing issues.

Sincerely,



Jim Harrower

cc. Senate Standing Committees
Sturgulewski, Arliss
Binkley, John
Halford, Rick
Fischer, Paul
Kerttula, Jalmar
Kelly, Tim
Coghill, Jack

SUGGESTIONS AND SOLUTIONS

PART 1.

PROBLEMS-REAL - PERCEIVED and RESPONSE

1. Closed System - opponents have stated that the system is impossible for new guides to enter and establish themselves in.

RESPONSE - This is often said and is simply not true, as many young guides are being issued and exchanging into areas at every meeting of the guide board.

2. Testing is unfair and designed to keep people out of the system.

RESPONSE - The tests are comprehensive and difficult. They have been reviewed on several occasions by the Board in an effort to establish consistency and fairness. They may be difficult but many people pass them the first time. An interesting fact is that a higher percentage pass on the first time than those who take it more than once. Many Boards suffer the same criticism and if standards are kept high and exams difficult there will be failures!

3. CRONYISM and FAVORITISM:

RESPONSE - When the system was first implemented, substantial value was placed upon the testimony of the various guides to establish the presence of others in areas of past use. This was the only way use and occupancy could be verified. It obviously gave an advantage to well known and popular guides over those who were not so visible. The industry must admit to some irregularities at this time. However, as the process proceeded the Board members became more and more sensitive to perceived conflicts, and often stepped down on issues that could even be remotely construed as conflicts of interest. Guides who are better prepared, have done their homework and meet the criteria and qualifications will always prevail over those who don't, or who make outlandish ridiculous requests and demands. Favoritism has nothing to do with it!

4. INCONSISTANT BOARD DECISIONS & ACTIONS:

RESPONSE - See solutions PART 2.

Funding, resulting in the presence of legal council, improved record keeping, presence of biologists and land use experts when advisable, would go a long way toward correcting this. An absolute cut and dried policy is not possible for Board decisions as most must be made on a case by case basis.

5. TRANSFER CRITERIA & use of a CONSISTANT FORMULA:

RESPONSE - Transfers have been highly criticized and the Board has been directed to develop a formula to be used, both to issue new areas, and to transfer old ones. Again the transfers must be considered on a case by case basis, but a formula that considers such factors as past use, investment, other areas available, recommendation of previous area holder, impact on the resource, land ownership, ect. has been developed.

6. CONSISTANCY in TRANSFERRING JOINT USE:

response - The Board has long felt that the joint use of areas had created many problems and has developed a policy to attempt to eliminate or reduce joint use whenever practical. However, there are times that for a variety of reasons, joint use is in everyone's best interest. Of all Board activities to demand absolute consistency of, this is the most difficult. There are constant factors that must be considered, but joint use areas have the greatest potential for unique and different criteria to be involved. A specific formula will not fit all situations. In this case we really need a Board, one that will consider the merits of each situation on an individual basis, and absolute consistency is not even desirable.

PART 1. cont.

7. SOUTHEAST ALASKA:

Nearly as much time has been spent by the Board attempting to meet the unique needs of the guides who operate in Southeast Alaska, as has been spent on the remainder of the state.

I have no solution to offer and I sympathize with the Board in their attempts to resolve this on going conflict. An important consideration here is that , matters would be made immensley worse by removing current policies governing guides. The Board has an unenviable job here.

8. LOST MAPS & TAMPERING WITH FILES:

RESPONSE - Many maps have been lost and guides have complained that area boundries have been changed on their file maps. The Board now has a specific policy that no one has access , even to their own maps, and files without an employee of the Board being present. This is a very firm policy! Also, see SOLUTIONS - PART 2. regarding maps.

9. COMMENT REGARDING BOARD PROBLEMS:

RESPONSE - Most criticism has come from individuals who have not received what they wanted, or felt they had coming from the system. In nearly every instance they either did not meet the qualifications that apply to EVERYONE, or they wanted special consideration at someone elses expense. Rarely did they make an effort to investigate the rules or stipulations, as they applied to them, and then were personally offended when they didn't get what they wanted. Most of the current complainers are in this group.

PART 2.

SOLUTIONS:

1. First the GUIDING INDUSTRY should be recognized by the State Administration for what it is! A leading economic industry with virtually an unlimited life. Also, the Guiding Industry must accept the responsibility of improving it's own public image.
2. Funding \$\$\$ - Many of the problems of the industry and most that have been identified by the audit committees, result from lack of administrative support. The guide board is made up of Governor appointee's. These public members should not be any more responsible for record keeping, than a jury is responsible for transcribing and recording court proceedings!

THE BOARD NEEDS THE FOLLOWING:

1. Adequate personnel to keep proper records, to disseminate information, to send notices, and to coordinate and prepare for board meetings, disciplinary hearings, and etc.
2. Adequate transcribing and recording system. Many hours have been wasted trying to reconstruct testimony of previous board meeting and decisions.
3. A system for properly recording and storing the boundaries of all guide areas in the State. Information must be put on microfilm similar to land records and be protected from loss or tampering. This single item would be very costly and time consuming initially, but the long term savings in board time would not only save a great deal of money, but would answer many of the audit questions.
4. (VERY IMPORTANT) An office in Anchorage - Records of the industry must be made available to the guides. New guides who are interested in acquiring areas must have access to the records in order to adequately investigate possibilities.
5. Legal council available at all meetings. A.G's office represented. Many hours have been wasted, and many situations have deteriorated into time consuming problems as the board has struggled with legalities. It would help solve inconsistency problems pointed out by the Audit Committee.
6. Need to amend statute or existing laws relative to sale of guide areas. It has now been generally agreed by the drafters of the existing laws that some provision for the sale of all, or parts of guide areas as approved by the Board should be permitted. The Board's policy to attempt to reduce joint use in areas where ever practical would be much more readily implemented if a system were available that would allow guides currently in joint use to influence the non interested or non user to withdraw for some type of consideration. Also, it is practical that a guide that has put considerable time and care into his area and enhanced it's value through sound resource management should be able to sell it along with whatever tangible improvements he has acquired. The current five year holding provision, and the need for board approval of the transfer would prevent abuse of this provision. A man's investment in his business simply has to have some recoverable value when he decides to withdraw.

PART 3.

SOME COMPLAINTS BY RESIDENTS:

1. Non-residents more successful - this is a factful statistic, and should be no surprise as most registered guides are good at their work. Of interest is the fact that even though this is true, the residents take much more game in numbers of animals. Also, it is worth noting that revenues to the State from non-resident hunts far exceed those of residents.
2. Guides have chased resident hunters out of areas, or make it uncomfortable for them. This has and does happen, and is certainly not right. It is difficult and exasperating when a guide has done a lot of work, to clear a strip, and put up a camp, to have a resident or residents land and pitch a camp on the other end of the newly built strip. Mutual respect is essential here, the guides must remember that the resident has equal access to both the game and the country, and it is against the law to block off an airstrip.
3. Non residents can not save the meat! It is against the law for the guide not to salvage the meat.
4. Guides hunting same day airborne.. Again it is against the law and recent examples of large fines, loss of licenses, and confiscation of aircraft should be enough to keep anyone from doing it.

PART 4. GENERAL COMMENTS:

RESTRICTED AREAS BENEFICIAL TO ALL:

The restricted area system and the recent provision to allow licensed guides to lease land from the State for a lodge, or headquarter site has encouraged many to invest heavily in improvements, buildings, and equipment. This results in a much more responsible attitude, and a more professional and business like approach.

It has encouraged expansion of their business to include non-consumptive pursuits. The restriction to areas has caused each area holder to become management oriented, to achieve a controlled sustained harvest, and to follow the letter of the law.

The area concept is only eleven years old in most units, and the land lease provision has been available for less than two years. The entire system is in it's infancy, and understandably has some problems associated with it. The guiding industry was at first skeptical, with some of the guides resisting the confinement and control. But as it evolves it becomes more apparent each year that it is working. The guides have accepted the increased responsibility and the game resources of the State have become their personal concern. Any other system that has been suggested would result in extensive abuse of the resources.

COOPERATION WITH PROTECTION:

In most situations the licensed guiding industry now works closely with and enjoys a mutually respectful relationship with the Protection Division of Fish and Game. Their common interest is protection of the resource.

SB 191

As this letter indicates the guiding industry in Alaska has progressed a great deal in the last decade. Much thought emotion and experience has gone into this process. The current system, while not perfect, is the best that it ever has been, and has a great potential to improve when the current problems are addressed and resolved. The current guide laws being administered by the Guide Licensing and Control Board adequately address the commercial guiding industry in Alaska. There are provisions for those interested in entering the industry. It does take time and effort. The "OUTFITTER" issue has become a problem both because of illegal activities in the field, as well as the time and consideration it has taken to address the legalities of the issue. Since the commercial use of our big game resources are adequately covered by existing laws. There simply isn't room or a logical reason for another group to utilize the same resource with different control criteria.

SPORT FISH GUIDE BILL:

The commercial sport fishing and lodge business is growing each year. Some extremely professional and well run lodges and programs are in operation. However, Alaskans current economic woes are influencing people to go into other areas of activity, and sport fish guiding has seen a great increase in the past two years.

The Alaska Professional Sport Fish Association is concerned that such sustained growth will eventually begin to impact the quality of fishing that now exists.

PART 4.

A Sport Fish Guide Bill has been considered. It is inevitable that some form of control and reportability will be necessary to sustain the present quality of fishing.

A bill or set of statutes to regulate this industry has become necessary. Although in most aspects the fishing differs so widely from hunting, enough similarities exist that the drafters of a sport fish guide bill may use our current sport hunting guide bill as a basis to begin.

Since fishing will be following so closely the evolution of our hunting system, it is even more imperative that we spend some time now to develop the best guide lines possible.

SB

192

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____ Bill Version: SB 192
 _____ Publish Date: _____
 Revision Date: _____ Agency Affected: Natural Resources
 Title: Membership of ARLF Board BRU: Agriculture

 Sponsor: Senator Kerttula Components: _____
 Requestor: Senate Resources _____

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-* | -0-* |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

*Board members receive no salary but receive per diem and travel funds from the ARLF. This totals approximately \$4,000 per year per member. Adding 2 members to the board could result in an additional \$8,000 expenditure from the ARLF.

Prepared by: Carol Wilson Phone: 465-2400
 Division: Commissioner's Office Date: _____
 Approved by Commissioner: Lenni Boston Jones Date: 4/2/87
 Agency: Natural Resources

Distribution (by preparer):

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



Official Business

Alaska State Legislature

Senate

P.O. BOX V
State Capitol
Juneau, Alaska 99811

EZ
FYI

DATE: January 18, 1988

TO: Senator Jack Coghill, Chairman
Senate Rules Committee

FROM: *Handwritten* Senator Jay Kerttula

RE: SB 192

At your ~~earliest~~ *earliest* convenience, please schedule SB 192, an act relating to the Agricultural Revolving Loan Fund Board, for hearing before the Senate Resources Committee.

Please contact me if you have any questions.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

March 2, 1988

The Honorable Jack Coghill
Chairman, Senate Resources Committee
P.O. Box V
Juneau, Alaska 99811

Dear Senator Coghill:

Subject: Senate Bill 192, which would increase the membership of the Agricultural Revolving Loan Fund (ARLF) Board from five to seven persons.

Position: The Department of Natural Resources believes that the existing ARLF Board is working well but would benefit from additional expertise. However, adding members at this time, in the midst of complicated loan restructuring and asset management activities, would be difficult. We support the general concept of this bill but are concerned about the timing.

It should be noted that there is always difficulty in selecting ARLF Board members with agricultural experience, especially at a time when numerous borrowers are having loans reviewed and the potential for conflict of interest is high. Problems in this area have occurred in the past when producers with substantial involvement in the agricultural industry were appointed to the Board.

Please let me know if I may provide additional information about this matter.

Sincerely,


Judith M. Brady
Commissioner

cc: Senate Resource Committee Members
Senator Kerttula, Sponsor
Rod Swope
Bob Evans
Mark Weaver
Chuck Forck

FISCAL NOTE

REQUEST:

Revision Date: March 1, 1988
Title: Membership of ARLF Board
Sponsor: Senator Kerttula
Requestor: Senate Resources Committee

Agency Affected: Department of Natural Resources
BRU: Agricultural Management

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 | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | * | * | * | * | * | * |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

* Board members receive no salary but receive per diem and travel funds from the ARLF. This totals approximately \$4,000 per year per member. Adding 2 members to the Board could result in an additional \$8,000 expenditure from the ARLF each year.

Prepared by: Carol Wilson Phone: 465-2400
Division: Commissioner's Office Date: 3/1/88

Approved by Commissioner: *William B. Berry* Date: _____
Agency: Natural Resources

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

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

April 2, 1987

The Honorable Jack Coghill
Chairman, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill:

Subject: Senate Bill 192, which would increase the membership of the Agricultural Revolving Loan Fund (ARLF) Board from five to seven persons.

Position: The Department of Natural Resources is unable to support this bill at this time. We are currently preparing to implement major ARLF policy changes that will result in a more structured loan program. Increasing the size of the ARLF Board now could unnecessarily complicate this process.

Recommendation: Postpone action on this bill until the new ARLF guidelines are in place and the need for additional ARLF Board members can be reassessed.

Please let me know if you would like additional information about the ARLF.

Sincerely,

Jennie Boston Gorman
for Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
Rod Swope
George Sullivan



Official Business

Alaska State Legislature

Senate

P.O. BOX V
State Capitol
Juneau, Alaska 99811

TO: Senator Jack Coghill, Chairman Senate Resources

FROM: Senator Jay Kerttula *J.K.*

RE: SB-192, "An Act relating to the membership of the agricultural revolving loan fund board."

DATE: February 25, 1988

SPONSOR STATEMENT

SB-192, relating to the agricultural loan fund (ARLF) board, would make a small but important change in the composition of the board.

Presently, the board includes five members. SB-192 would change the board so that there would be seven total members and two of them would be required to be presently operating producing farms and to have been doing so for at least five years.

It is critical to the future of Alaskan agriculture that we have farmers involved in the decision-making that the ARLF board does. Without requiring that producing farmers be on the board we effectively cut out the most important and knowledgeable group of people from participation.

A broad geographic representation is also necessary for a properly operating board. This is difficult with only five members. A seven-member board will help us achieve a much broader perspective on the board.

As the Director of Agriculture says in the attached article, farmers need "a banker who knows farming and who knows a potentially profitable operation from a losing one." Without farmers on the ARLF board the state is not taking advantage of a wealth of knowledge it could be utilizing.

Thank you for your consideration of SB-192.

as class III or under the land reservation Ser-

establish other the provisions is under (a)(4)

es; and cultural enter- am § 1 ch 41 1967; am § 1 SLA 1975; am § 1-3 ch 7 SLA 1983)

ge, or both. Loans chattel mortgage irrigation systems for terms as deter- oner" and "Farm loans for irriga- r terms as deter- oner"; substituted "in two places in "may assess" for and sentence, both ed the language ined delinquency e third sentence of ed "\$250,000" for it subsection (f); less than eight eight percent" in bsubsection (f); and ad (h). nt in paragraph ge beginning with bsubsection (c) substi- 90,000" and added ng with "except

reports. — For 967 (HB 274), see . 513-514.

m land. (a) A r sell, lease or red by a mort- ent, chattel, or orrower either

(1) pays the outstanding balance of the loan in a lump sum or under other terms agreed to by the commissioner which accelerate payment of the loan; or

(2) pays the outstanding principal balance for the remaining term of the loan at the prevailing rate of interest which is charged by commercial banks in the state during the calendar quarter in which the department receives notice of the change of use, sale, lease or other disposal of the farm land.

(b) In this section, "non-farm use" means a use of land other than for the production of domesticated plants and animals useful to humans, including forage and sod crops, grain and feed crops, fruits, vegetables and livestock. (§ 5 ch 50 SLA 1979)

Sec. 03.10.040. Creation of fund. There is an agricultural revolving loan fund which shall not exceed \$75,000,000 to carry out the purpose of this chapter. (§ 5 ch 122 SLA 1953; am § 2 ch 41 SLA 1961; am § 1 ch 81 SLA 1970; am § 6 ch 50 SLA 1979; am § 4 ch 7 SLA 1982)

Effect of amendments. — The 1979 amendment substituted "\$20,000,000" for "\$5,000,000." The 1982 amendment substituted "\$75,000,000" for "\$20,000,000."

Sec. 03.10.050. Administration of fund. (a) The commissioner shall administer the loan fund in conjunction with the agricultural revolving loan fund board. No loan in excess of \$25,000 may be made by the commissioner without the approval of a majority of the board.

(b) The board is composed of five members appointed by the governor and confirmed by the legislature in joint session. Three members shall be persons with background and experience in Alaska agriculture. Members of the board serve for overlapping three-year terms. Members of the board are not entitled to receive compensation for their services, but shall receive the same travel pay and per diem as provided by law for boards and commissions.

(c) A meeting of the agricultural revolving loan fund board to act on applications for loans is exempt from the public meeting requirements of AS 44.62.310. (§ 6 ch 122 SLA 1953; am § 1 ch 119 SLA 1976; am § 6 ch 113 SLA 1982)

Revisor's notes. — Section 5, ch. 7, SLA 1982 added a subsection (c) to this section but the provisions of that subsection have been transferred to AS 03.10.052. Consequently, the subsection added by § 6, ch. 113, SLA 1982, has been redesignated "(c)."

Effect of amendments. — The 1982 amendment added subsection (c).

Sec. 03.10.052. Limitation on board members. A member of the agricultural revolving loan fund board may not, during the member's term of office or within one year after ceasing to be a member of the board, obtain a loan under this chapter other than a short-term loan under AS 03.10.030(c). (§ 5 ch 7 SLA 1982)

Title 4
Alcoholic Beverages

Amusements and Sports

The state must view agriculture as a business

BY MARK WEAVER

Does Alaska have an agricultural policy?

When money was easy, we had agricultural policies by the dozen. We had a policy to promote the grain industry; we had a policy to promote dairying; we had a policy of promoting a whole slew of agricultural commodities by lending money to people who had little capital of their own and little history of management.

As long as money was easy, the wisdom of these policies was not tested. Now the well is drying up. Their legacies are coming to haunt us: Delinquent farm debt. Processing facilities that are empty or unprofitable. Angry farmers. A disenchanted public.

Where do we go from here? Some say, "Do nothing." In fact, doing nothing will cause more waste.

I propose a different strategy. The first step is to recognize the valuable lessons that Delta, Point Mackenzie and



other recent experiences can teach us.

• Lesson No. 1: Easy farm credit too often rewards bad management. It does not produce private sector growth that is sustainable and unsubsidized.

• Lesson No. 2: To encourage agricultural production for its own sake is foolishness. Supply must be driven by demand.

• Lesson No. 3: Farmers must be required to bear the ordinary risks of doing business. Farming may be different from other businesses, but it is not special.

In every sector of the agriculture industry in Alaska there are successful farmers — those who profitably grow and market their crops and are in control of their debt. Horticultural crops — vegetables and potatoes from tradi-

tional farms, bedding plants, shrubs and other ornamentals from nursery and greenhouse producers — accounted for \$17 million in gross sales last year, along with 1,500 jobs. But even in depressed sectors such as livestock and grain there are producers who are making it — without need of a bailout. There is nothing wrong with agriculture in this state, only with what we have tried to do to it.

What is the future of farming in Alaska? What role should state government play?

To my way of thinking, government involvement of any kind is inappropriate, unless basic criteria are met:

Can government provide a service that the private sector cannot provide? Is there a public interest at stake that justifies expenditure of public funds?

If the answer to either of these queries is "No," then government probably should stay out!

I can identify only four kinds of government services to agriculture that seem to meet this test. They are:

• Inspection of food and farm products destined for public use or consumption. A quality inspection program is the key that opens the door to the market place for the local farmer. It is mandated by federal law in some instances, and helps to promote a healthy competition for product quality. At the same time it protects retailers and the public from those who would use Alaska as a dumping ground for poor quality import.

• Research. Innovation on the farm depends upon scientific research applied to real world problems. Our farmers sacrifice time and money in an effort to identify new crops or methods that can give Alaska a competitive advantage. They cannot do this efficiently, nor take advantage of what they learn without scientific support. Gov-

ernment should fill this void.

• Credit. Private banks do not like to deal with agriculture, here or anywhere. Farmers do not need free money. They do need a bank they can rely on and, this is most important, a banker who knows farming and who knows a potentially profitable operation from a losing one. Nobody deserves a loan just because he is a farmer. But farmers, like other businessmen, deserve loans when their credit is good.

• Access to Land. In virtually every state, local governments have acted to protect their best agricultural lands from erosion and incompatible development. For this reason, the Hammond administration initiated an agricultural title system that offered farmers ownership, subject to a condition that the land not be abused nor diverted to uses inconsistent with agriculture. This system is without doubt the most valuable legacy of the big project

era. It is the tool that preserves the raw material of the farmer's trade at a price compatible with the long term nature of his investment.

Inspection, research, credit and land access pass the acid test for government involvement in agriculture. With few exceptions, if a service is outside the scope of these four areas, the government of this state probably should not be providing it.

When money was easy, we could afford to pursue agriculture as one more Alaskan lifestyle. Now we have no choice but to view agriculture as a business. If we stick to basics, it will grow at its own pace, and require no subsidy. It will provide jobs, and quality produce for all of us. And, by the way, those who succeed in it will enjoy a rewarding lifestyle.

□ Mark Weaver is Director of the Division of Agriculture.

State of Alaska
Agricultural Revolving Loan Fund Board
P. O. Box 2470
Palmer, Alaska 99645

February 12, 1988

Curt Menard
Alaska House of Representatives
P. O. Box V (MS 3100)
Juneau, Alaska 99811

FEB 16 1988

RE: Teleconference - Tuesday, February 9, 1988 with
ARLF Board

Dear Mr. Menard:

This letter is the promised follow-up to our teleconference.

You inquired regarding the Board's reaction to a cash production credit payment to all agricultural producers. The Board is opposed to any disbursement of loan fund money to producers who are not borrowers.

We followed this with comments on three other pieces of legislation:

SB 353 Extension of Production Credits. First we point out that Loan Fund assets have already been reduced by production credits as follows: 1986 - \$346,000, 1987 - \$540,000, and to date in 1988 - \$322,000. These amounts have simply been wiped from our loanable funds under current legislation in force. If this legislation is extended this massive drain will continue.

The Board, in consultation with the Loan Fund Manager and the Director of Agriculture, offer this counter proposal for any renewal of production credits:

1. Limit production credits to borrowers in good standing, to borrowers who are current in their payments. Exclude restructured borrowers since they have already received substantial benefit in interest relief.

2. Limit the credit to only a portion of the interest so that the entire interest payment is not excused.

The thinking that goes into this counter proposal is that production credit then becomes an incentive to good borrowers by reducing their interest due. It is not a debt write-off as is the current legislation. It does not apply to restructures, they have already received substantial relief. This proposal is in the best interest of the State because it rewards borrowers in good standing with a reduced interest and an incentive to remain in good standing, and thus to keep funds revolving back into the Loan Fund.

Curt Menard
February 12, 1988
Page Two

HB 415 Retroactive Production Credit to Dairy Producers. The Board opposes this legislation. It is not in the best interest of the State. It is a debt relief program which rewards production without regard to efficiency and provides no payback to the loan fund. I am attaching "an analysis of the financial effect" on the Fund prepared by the Loan Fund Manager. Please be specifically aware that the Fund currently has loanable funds of about \$7 million. This proposal would wipe out almost \$2 million of that working balance.

SB 192 Expansion of the Loan Board from five to seven members. The Board is opposed to this legislation for the following reasons:

1. A seven member board increases from three to four the number of members that must be present for a working meeting.

2. Both of the added members must be producers. a) It is very difficult to find producers who do not have a disabling conflict of interest, i.e., a loan with the loan fund, or a financial interest that precludes them from acting on a particular loan application. b) This takes us back to the problem of a quorum on a particular application; and further c) the failure to fill these positions would leave us with a quorum requirement of four and less likelihood of meeting it.

3. An increase in the number of board members requires more preparation on the part of an already overburdened loan fund staff, lengthier meetings and more staff time spent on meetings, and a general increase in the cumbersomeness of the process.

4. Additional cost to the fund for per diem, travel expenses and other related costs, all of which must come from a shrinking operating budget.

The Board feels the current staff and board are dealing as efficiently as possible with the loan fund workload. Adding two functioning producer board members would be difficult to achieve and would reduce the efficiency and effectiveness of the process at this time. SB 192 is not in the best interests of the State.

Thank you for alerting us to the proposed legislation. We hope our comments on it and other ag legislation is understood to come from a group who have particular familiarity with the issues and their resolution in the best interest of the State.

Sincerely,



CHARLES G. FORCK, Chairman
Agriculture Revolving Loan Fund

SB

196

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

3/18/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered SB 196

management of state land.

and recommended:

[] replace with CS SB 196 [] same title
[] attached amendment(s) and [] new title

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted and attached

** Committee [] attached or [] adopted fiscal note(s)
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

[Signature]

[Signature]

OTHER RECOMMENDATIONS

[Signature]

[Signature]

[Signature]

Chairman signature and recommendation

[] Committee Backup Attached

A M E N D M E N T

Offered in the SENATE

By Duncan

TO: CSSB 196 (Res)

Page 3, after line 14:

Insert a new bill section to read:

"* Sec. 8. AS 38.05.940(b) is amended to read:

(b) To be eligible for a discount under this section, a veteran shall submit proof, as required by regulation, that the veteran

(1) is 18 years of age or older on the date of sale;

(2) has been a state resident for a period of not less than one year immediately preceding the date of sale;

(3) has served on active duty in the U.S. Armed Forces at least 90 days [TWO YEARS], unless tenure was shortened due to a service connected disability or due to receiving an early separation upon return from a tour of duty overseas; and

(4) has received an honorable discharge or a general discharge under honorable conditions."

Renumber remaining bill sections accordingly.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Artiss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zhatoff
Sen. Dick Ellason

Box V
Juneau, Alaska 99811
(907) 465-4907

MEMORANDUM

TO: Senate Resource Committee Members

FROM: Resource Committee Staff *BSG*

RE: SB 196; An act relating to the management of State land.
Packet Contents

DATE: March 31, 1987

List of packet contents:

- 1) Sponsors Memorandum
- 2) Dept. of Natural Resources Position Paper
- 3) Dept. of Natural Resources Fiscal Note
- 4) Dept. of Law Memorandum to Governor Cowper, Feb. 19, 1987
- 5) Chase III lands Supreme Court Opinion, August 29, 1987
- 6) State Land Classification and Land Disposal Bank
1986 Report to the Legislature
(7 pages only)
- 7) A Special Report on the Department of Natural Resources Land Use
Plans, October 27, 1987
- 8) Original Department of Law draft.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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

February 19, 1987

M E M O R A N D U M

TO: Honorable Steve Cowper
Governor

FROM: *John H. Peterson*
for Grace Berg Schaible
Attorney General

RE: Attached bill on land use planning
and classification
Our file: 773-87-0104

Attached is a bill to amend the land use planning requirements of AS 38.04.065 for state land. It was recommended by the Department of Natural Resources (DNR) to allow land classifications for disposal or other resource management purposes to be made before comprehensive regional land use plans are completed. The request was approved by Mike Bradner January 12, 1987.

According to Tom Hawkins, director of DNR's division of land and water management, the department considers this bill essential to its land management responsibilities.

In connection with constituent inquiries, Senators Faiks and Coghill have asked for copies of this bill, which we are furnishing them today.

Before the Supreme Court's recent decision in Alaska Survival v. State, 723 P.2d 1281 (August 29, 1986), the Department of Natural Resources, in accordance with its regulations, routinely classified land on the basis of site-specific land use plans if the land was located in an area of the state which was not included in a comprehensive regional land use plan. The court held that this procedure violated AS 38.04.065 and that the legislature intended that comprehensive regional planning precede the classification of land for disposal or other purposes.

Because regional land use planning is a time-consuming and expensive process, comprehensive regional plans have not yet been completed for most state land. The department's ability to make land and resource management decisions in many areas of the state, including the Kenai Peninsula and the North Slope, is therefore severely restricted.

The attached bill amends AS 38.04.065 to allow the department to classify land on the basis of site-specific land use plans until the regional planning process is completed. The bill also validates classification orders and the management and disposal decisions based on them which were made between the 1978 enactment of the statute and the date of the court's decision.

A draft transmittal letter to the legislature, explaining the bill in more detail, is also attached.

GBS:MFN:amh

cc w/enc.: Hon. Judy Brady, Commissioner
Dept. of Natural Resources

Hon. Jan Faiks
Alaska State Senate

Hon. Jack Coghill
Alaska State Senate

D R A F T

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to land use planning for and classification of state land. This bill amends AS 38.04.065 to allow the Department of Natural Resources (DNR) to classify state land for disposal or other resource management purposes on the basis of site-specific land use plans. The bill also would resolve certain questions concerning the validity of previous land classification and disposal decisions which may be raised as a result of the supreme court ruling in Alaska Survival v. State, 723 P.2d 1281 (August 29, 1986).

The Alaska Survival decision involved a challenge to the proposed Chase III agricultural homestead disposal near Talkeetna. Classification of a portion of the Chase III land and the decision to make Chase III land available for homesteading preceded the adoption of the Susitna Area Plan, a comprehensive regional land use plan adopted by DNR in April 1985. The court ruled in favor of local residents who challenged the homestead offering, stating:

In our view, both the organization of the statutory scheme and the particular language of AS 38.04.065(c) and (d) express an unambiguous intent that regional planning precede land classifications and disposals.

Alaska Survival v. State, 723 P.2d at 1289. The court invalidated a DNR regulation that allowed classifications to be made on the basis of site-specific land use plans.

The court's ruling has created uncertainty with respect to the ability of DNR to manage and develop the resources on a significant amount of state land. Only 36 million acres, or approximately 44 percent of the land patented or tentatively approved for patent to the state is now covered by regional land use plans. Regional planning, although necessary, is expensive and time consuming. DNR has informed me that each of the four regional plans now in progress will require between two and three years to complete and will cost between \$300,000 and \$400,000.

The Department of Law has advised me that there are unresolved questions concerning the scope of the supreme court's ruling. The decision can be construed narrowly as having only prospective effect and as prohibiting new classification actions, but not necessarily disposals, before regional plans are complete. There is a risk, however, that the decision will be interpreted by the courts to prohibit all disposals of land and resources before regional plans are adopted. Under such a broad interpretation, DNR might be precluded from granting rights of way, selling timber, or

issuing oil and gas or other leases. Questions might also be raised about the validity of classifications and disposals that occurred before the court's decision.

This bill would permit DNR to actively manage state land and resources until regional plans are adopted by authorizing DNR to classify land for disposal or other purposes. The bill would require that a site-specific land use plan be adopted as the basis for any classification made before the adoption of a regional plan.

In addition, the bill would clarify the status of those existing classification orders issued by DNR before the date of the supreme court's decision. Classifications based on site-specific land use plans would be effective until DNR acts to reclassify the land. Past land disposal decisions and other management decisions based on the classification orders would be validated.

This bill would ensure that DNR has the authority to manage all state land and develop its resources based on sound planning, but without the delay that completing the regional planning process would necessitate. The bill would also eliminate the likelihood of additional litigation to determine the scope of the Alaska Survival decision. I urge your

prompt and favorable action on this measure.

Sincerely,

Steve Cowper
Governor

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land use planning and classifi-
7 cation; and providing for an effective date."

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

9 * Section 1. AS 38.04.065 is amended to read:

10 Sec. 38.04.065. LAND USE PLANNING AND CLASSIFICATION. (a) The
11 commissioner shall, with local governmental and public involvement in
12 accordance with AS 38.05.945, develop, maintain, and, when appropri-
13 ate, revise land use plans that [WHICH] provide[, BY REGIONS OR AR-
14 EAS,] for the use of the state-owned land.

15 (b) In the development and revision of land use plans, the
16 commissioner shall

17 (1) use and observe the principles of multiple use and
18 sustained yield;

19 (2) consider physical, economic, and social factors affect-
20 ing the [REGION OR] area and involve other agencies and the public in
21 achieving a systematic interdisciplinary approach.

22 (3) give priority to planning and classification in areas
23 of potential settlement and critical environmental concern;

24 (4) rely, to the extent that it is available, on the inven-
25 tory of the state land, its resources, and other values;

26 (5) consider present and potential uses of state land;

27 (6) consider the supply, resources, and present and poten-
28 tial use of land under other ownership within the area [OR REGION] of
29 concern;

1 (7) plan for compatible surface and mineral land use clas-
2 sifications; and

3 (8) provide for meaningful participation in the planning
4 process by affected local governments, state and federal agencies,
5 adjacent landowners, and the general public.

6 (c) The [AS A BASIS FOR MORE DETAILED LAND USE PLANNING AND
7 CLASSIFICATION, THE] commissioner shall develop regional land use
8 plans for the use of all state land. These regional plans must
9 [SHALL] identify and delineate

10 (1) areas of settlement and settlement impact, where land
11 must be classified for various private uses and for public recreation,
12 open space, and other public uses desirable in and around settlement;
13 and

14 (2) areas that [WHICH] must be retained in state ownership
15 and planned and classified for various uses and purposes in accordance
16 with AS 38.04.015.

17 (d) The commissioner shall sign and date official [OFFICIAL]
18 regional [OR AREA] plans and subsequent amendments adopted by the
19 commissioner after public and local governmental participation [SHALL
20 BE SIGNED AND DATED BY THE COMMISSIONER]. The commissioner may adopt
21 as a regional plan a comprehensive plan adopted by a local government
22 having planning and zoning powers, if the commissioner finds that the
23 plan adequately recognizes and protects state interests. After adop-
24 tion of an official regional [OR AREA] plan, land classifications must
25 [SHALL] be made in accordance with it. Before adoption of an official
26 regional plan, land classifications for disposal or for any other
27 purposes may be made on the basis of site-specific land use plans
28 [THESE OFFICIAL PLANS].

29 (e) Land must [SHALL] be classified as provided in AS 38.05.300.

1 (f) Decisions [DECISION] about the location of easements and
2 rights-of-way, other than for minor access, must [SHALL] be integrated
3 with land use planning and classification [FOR THE APPROPRIATE AREA OR
4 REGION].

5 (g) Land use plans adopted by the commissioner under this sec-
6 tion must [SHALL] be consistent with local governmental land use plans
7 to the maximum extent determined consistent with the state interests
8 and the purposes of this chapter.

9 * Sec. 2. Land that was, before August 29, 1986, classified for dis-
10 posal or other purposes on the basis of a site-specific land use plan
11 remains subject to the classification order in effect on that date unless
12 the land is reclassified in accordance with AS 38.04.065, as amended by
13 sec. 1 of this Act, and AS 38.05.300.

14 * Sec. 3. Land management and disposal decisions made before the effec-
15 tive date of this Act under classification orders based on site-specific
16 land use plans are declared valid, notwithstanding the fact that they
17 preceded the adoption of regional land use plans, if other requirements of
18 law were met.

19 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
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Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

SESSION COMMENTS
MARCH 18, 1987

Box V
Juneau, Alaska 99811
(907) 465-4907

SB 196, AN ACT RELATING TO THE MANAGEMENT OF STATE LAND, IS A BILL TO AMEND THE LAND USE PLANNING REQUIREMENTS OF TITLE 38 FOR STATE LANDS. THIS MEASURE WAS ORIGINALLY DRAFTED BY THE DEPARTMENT OF LAW.

ACCORDING TO A MEMO FROM THE ATTORNEY GENERAL TO THE GOVERNOR DATED FEBRUARY 19, 1987, THIS BILL IS ESSENTIAL TO THE DEPARTMENT OF NATURAL RESOURCES LAND MANAGEMENT RESPONSIBILITIES. THE BILL AFFECTS THE DEPARTMENT'S REQUIREMENT TO DEVELOP COMPREHENSIVE REGIONAL LAND PLANS FOR STATE LAND DISPOSALS. IT DOES NOT REMOVE PLANNING REQUIREMENTS, BUT ALLOWS THE DEPARTMENT TO DO SITE-SPECIFIC PLANS FOR DISPOSALS WHERE REGIONAL PLANS EITHER DON'T EXIST OR ARE NOT COMPLETED. RIGHT NOW DNR IS HOLDING CONVEYANCES ON ALL DISPOSALS AND LEASES ON LANDS WITH OUT REGIONAL PLANS.

PRESENTLY WE HAVE REGIONAL PLANS ON ONLY 36 MILLION ACRES OF THE TOTAL 82 MILLION ACRES THE STATE HAS RECEIVED PATENT OR TENTATIVE APPROVAL TO. THE STATE IS RECEIVING TENTATIVE APPROVAL ON APPROXIMATELY 1 $\frac{1}{2}$ MILLION ACRES A YEAR, AND THE REGIONAL PLANS COST THE DEPARTMENT 300 TO 400 THOUSAND DOLLARS AND REQUIRE 3 TO 4 YEARS TO COMPLETE.

THE REASON THIS BILL IS ESSENTIAL, IS BECAUSE A RECENT STATE SUPREME COURT DECISION REQUIRES THE DEPARTMENT TO DO REGIONAL LAND PLANS BEFORE DISPOSALS OF STATE LAND OR RESOURCES CAN TAKE PLACE.

SO WITH OUT THIS BILL, WE WILL HAVE TO GREATLY INCREASE DNR'S BUDGET FOR PLANNING. OTHERWISE THE STATE WILL NOT BE ABLE TO GRANT RIGHT OF WAYS, SELL TIMBER OR ISSUE MINING OR OIL AND GAS LEASES. REVENUE GENERATION FROM NEWLY ACQUIRED AND OTHER STATE LANDS NOT COVERED BY REGIONAL PLANS WILL NOT BE AN OPTION.

THE BILL ENSURES THAT DNR HAS THE AUTHORITY TO MANAGE ALL STATE LAND AND DEVELOP IT'S RESOURCES, BASED ON SOUND PLANNING, WITHOUT THE DELAY OF COMPLETING REGIONAL LAND PLANS. IT WILL ALSO ELIMINATE THE LIKELIHOOD OF ADDITIONAL LITIGATION TO DETERMINE THE SCOPE OF THE SUPREME COURTS DECISION.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99801
(907) 465-4907

MEMORANDUM

TO: Senate Resource Committee Members
FROM: Senator Coghill, Sponsor
RE: SB 196
DATE: March 31, 1987

A handwritten signature in dark ink, appearing to be "JBC", written over a long horizontal line.

SB 196, An Act Relating to the Management of State Land, is a bill to amend the land use planning requirements of Title 38 for state lands. This measure was originally drafted by the Department of Law.

According to a memo from the Attorney General to the Governor dated February 19, 1987, this bill is essential to the department of natural resources land management responsibilities. The bill affects the department's requirement to develop comprehensive regional land plans for state land disposals. It does not remove planning requirements, but allows the department to do site-specific plans for disposals where regional plans either don't exist or are not completed. Right now DNR is holding conveyances on all disposals and leases on lands with out regional plans.

Presently we have regional plans on only 36 million acres of the total 82 million acres the state has received patent or tentative approval to. The state is now receiving tentative approval to land selections or patent, on approximately one million acres a year. The regional plans cost the state in the range of 200 to 400 thousand dollars and require an average of 3 years to complete.

The reason this bill is essential, is because a recent state Supreme Court decision requires the department to do regional land plans before disposals of state land or resources can take place.

So with out this bill, we will have to greatly increase DNR's budget for planning. Otherwise the state will not be able to grant right of ways, sell timber or issue mining or oil and gas leases. Revenue generation from newly acquired and other state lands not covered by regional plans will not be an option.

The bill ensures that DNR has the authority to manage all state land and develop it's resources, based on sound planning, without the delay of completing regional land plans. It will also eliminate the likelihood of additional litigation to determine the scope of the Supreme Courts decision.

The only opposition I know of on this bill is from the plaintiffs in the Chase lands decision (the Supreme Court decision). The Department of Natural Resources has indicated to me that it is their intent to abide by the Supreme Courts ruling in that matter.

I encourage fast positive action on this legislation.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 485-2400

April 1, 1987

The Honorable Jack Coghill
Chairman, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

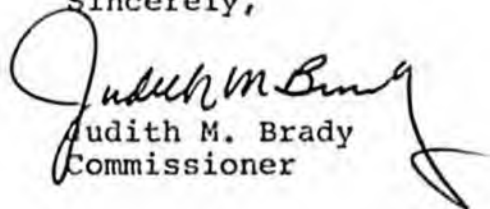
Dear Senator Coghill:

Subject: Senate Bill 196 which relates to the classification of land.

Position: The Department of Natural Resources supports this effort to address the unintended effects of the Supreme Court's Alaska Survival decision. Alaska can ill afford the chaos that could result from the retroactive application of the Survival decision. In its current economic condition the state should seek to avoid a moratorium on all land actions pending comprehensive plan adoption. Finally all Alaskans will benefit from the efficiencies available to the department as it uses plans prepared by other governmental entities as a basis for classification actions.

Recommendation: Since the bill was introduced a number of groups and interests have expressed the desire to participate in detailed work sessions. The department is pleased to work with the committee to reach mutual agreement on language in this bill. We have also prepared a detailed position paper which we enclose for your information.

Sincerely,


Judith M. Brady
Commissioner

Enclosure

cc: Committee Members
Senator Faiks (sponsor)
Rod Swape, Governor's Office
George Sullivan, Governor's Office
Norm Cohen, ADF&G
Tom Hawkins, DLWM
Meg Hayes, DLWM

The department supports SB 196 because it makes clear what we believe the Legislature intended when it enacted AS 38.04.065: important land management decisions must not be held in abeyance while the state continues to plan for the management of its land.

We believe the Legislature never intended to issue a moratorium on land management actions until regional plans were complete. However, a recent court case, Alaska Survival v. State of Alaska, casts doubt on the department's interpretation of the statute. The court said, "[W]e conclude that AS 38.04.065 requires regional planning to precede land classification, and that a regulation which permits classification based on a site-specific plan covering only 1,287 acres contravenes the language and intent of the statutes."

Alaska Survival v. State of Alaska addressed an agricultural land disposal at Chase. However, its implications go much further than programmatic land disposals. Since August 29, 1986, the department has stopped all new classification actions that are not based on comprehensive plans. In the past six months, the department has confronted the following problems:

1. On March 9, 1987, the Chinik Eskimo Community sued the State of Alaska, alleging that the department's "findings and decision to grant to Auric Offshore Mining

Company a lease of state lands violate AS 38.04.065, requiring the development of regional land use plans and the classification of state lands before disposal of any interest in state lands."

2. The Northwest Arctic Borough has appealed its municipal entitlement certification in part because the classification order did not reflect a comprehensive, broad scale planning process prior to classification. If this argument prevails, land now classified resource management may have to be reclassified for settlement.
3. State timber near Cooper Landing is infested with beetles. Despite a U.S. Forest Service plan to cut timber adjacent to state land, the state's Division of Forestry cannot sell our affected timber because the land is unclassified. There is no area plan for state lands on the Kenai, so the land cannot be classified.
4. Several residents of the Hope area hold U.S. Forest Service permits for land now owned by the state. The state cannot sell the permitted land to the occupants as required under preference rights statute because it is not appropriately classified. The land cannot be reclassified.

5. The City of Nome has not been able to acquire a tidelands lease to protect the rock loading jetty it built because there is no comprehensive plan on which to base a classification action required for lease issuance.

In short, while the subject of Alaska Survival v. State of Alaska was programmatic land disposals, the decision has stymied other land management actions such as leasing unclassified land, particularly tide and submerged lands; conducting timber sales over 10 MBF; selling land to U.S. Forest Service permittees; and resolving municipal claims.

Ironically, the procedural problems which invalidated the Chase land disposal can be corrected under current law. Unfortunately, the fallout of Alaska Survival v. State of Alaska affects more urgent land management decisions for which we have no other alternatives.

To correct the procedural violations in the Chase classification, the department would reconsider the application of its management objectives in the Susitna Area Plan. This process would begin with an assessment of resources in the South Parks Highway subregion, Management Unit 4 - Chase, and the conditions which may have changed in the Susitna basin since the plan was adopted in April 1985. We know that the Soil Conservation Service has changed its soil

rankings, for instance, and a recent survey indicates that over 60 percent of the residents in the railbelt believe the state should hold steady or increase the amount of land sold each year. The administration and assembly of the Mat-Su Borough have recently challenged many assumptions commonly held during the SAP. The local community has formed a council and has been reviewing some of its land use options. The state administration has also changed, and while less money is now available for survey and land disposal, there is increased interest in resource development and economic diversification.

The assessment and alternative land management proposals would be subject to interagency review and public hearings in Talkeetna, Wasilla, and Anchorage. Finally, any amendment would have to be approved by the commissioner. This process could be completed in under six months. This process would consider information in a manner consistent with the goals and objectives of the Susitna Area Plan. For example, it could propose retention in state ownership for multiple use management, or a new configuration of agricultural homesteads, or perhaps even a non-agricultural funding and sale of fee homesteads.

The department's support of SB 196 does not diminish its support for land management planning. The plans are practical documents which help us make better decisions.