

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8721 HOUSE RESOURCES

1 Page 2, line 13:
2 Delete "intensive"
3 Insert "active [INTENSIVE]"
4

5 Page 3, line 7:
6 Delete "intensive"
7 Insert "active"

AMENDMENT # 7

OFFERED IN THE HOUSE
TO: HB 170

BY REP. DAVIES

Page 2, line 16:

Delete ", but not including restrictions on methods or means of taking
game, access to game, or human harvest of game.

Insert "and regulations ^{OF HARVEST} by humans"

FAILED

AMENDMENT # 8

OFFERED IN THE HOUSE
TO: HB 170

BY REP. DAVIES

Page 2, line 23

Following "predation":

Delete "or"

Insert ","

Following "harvest":

Insert "or for herd growth"

FAILED

AMENDMENT # 9

OFFERED IN THE HOUSE
TO: HB 170

BY REP. DAVIS

Page 2, line 26-27:

Delete all material.

FAILED

AMENDMENT #10

OFFERED IN THE HOUSE
TO: HB 170

BY REP. DAVIES

Page 2, line 29:

Following "shall":

Insert "adopt goals to"

The board shall attempt to ~~adopt~~

*passed
as amended*

AMENDMENT #11

OFFERED IN THE HOUSE
TO: HB 170

BY REP. DAWLEY

Page 3, line 9:

Following "on":

Delete "proposed"

Insert "implementation of"

FAILED

HB 170, comparison of original to Committee substitutes.

HB 170/A	CS HB 170/C	CS HB 170/G
Legislative Findings	Same	Same
	New Sec. 2. Functions of Commissioner, Cooperate with boards.	Delete
	New Sec. 3. Duties of Commissioner, . . . to cooperate with boards. . .	Now Sec. 2. Add . . . implementing regulations and <u>management plans</u> as requested. . . .
Old Sec. 2.	Sec. 4. No change	Now Sec. 3. Add: . . . regulations, <u>consistent with the sustained yield principle</u> , to . . . (needed to give the definition focus.)
Old Sec. 3.	Sec. 5. No change.	Now Sec. 4.
Old Sec.4	Sec. 6. No Change	Now Sec. 5. (3) Harvestable Surplus . . means the <u>estimated</u> number . . . <u>approximate</u> number . . . <u>approximate</u> number . . . (4). Change to read . . . game population [for] <u>by</u> humans [harvest];
	New Sec. 8. Delegation of Authority to Commissioner . . . to assist the board.	Now Sec. 7. Change (b) to read . . . regulations, <u>management plans, and intensive management programs</u> [and research] as requested by the board.

HOUSE RESOURCES COMMITTEE
Roll Call and Members' Bill Votes

* (indicates first public hearing)

Room 124, Capitol Bldg.

Mon., Wed, Fri.

Date: 3-8-95

Tape# 95-30, 95-31 Joint _____

Time: 8:04 am/pm Time Adjourned: _____ am/pm

ROLL CALL:	PRES	ABS	TIME AR	Amend. #1	#2
Rep. Joe Green	✓			X	X
Rep. Bill Williams			8:14	N	N
Rep. Scott Ogan			9:09	X	X
Rep. Alan Austerman	✓			X	N
Rep. Ramona Barnes			8:20	X	X
Rep. John Davies	✓			N	N
Rep. Pete Kott	✓			X	X
Rep. Eileen MacLean			8:40	N	N
Rep. Irene Nicholia			8:20	N	N

5-14 5-4
passed laws

Other Legislators Present _____

AGENDA:

Bill No.	Short Title	Action Taken
<u>HB 195</u>	<u>Repeal Milk Marketing Laws</u>	_____
<u>HB 197</u>	<u>Mineral Exploration Incentive Credits</u>	_____
<u>HB 170</u>	<u>Intensive Mgt. of Game</u>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Resources

3-8-95 8:04 am

Tape # 95-30, 95-31

HB 170

50375

03/08/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

09:39:08

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:FBX

TCN:50334

SCHEDULED FOR:03/08/95 08:00 TO 10:00

FOR:FBX

PUBLIC HEARING

HOUSE RESOURCES

LOCATION:FAIRBANKS

HB 197	EARL <i>P.O.Box 80148</i>	BEISTLINE <i>99708 479-6240</i>	TESTIFY
HB 170	DICK <i>1165 Coppert St.</i>	BURLEY <i>99709 474-0188</i>	TESTIFY
HB 170	OLIVER	BURRIS	TESTIFY
HB 170	BILL	HAGAR	TESTIFY
HB 170	SATIVA	QUINN	TESTIFY

ANOTHER UPDATED LIST FOR FAIRBANKS

HOUSE RESOURCES COMMITTEE



Alaska State Legislature
House of Representatives

DATE: 3/8

PLACE: ROOM 124

SUBJECT OF MEETING:
HB 197
HB 170

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
✓ Bob Bartholomew	Dept of Revenue	11 th Floor SOB		465-2330		<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 197
Ⓝ David Rogers	Producers Council			537-1107		<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 197
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	

HOUSE RESOURCES COMMITTEE



Alaska State Legislature
House of Representatives

DATE: 3/8/95

PLACE: ROOM 124

SUBJECT OF MEETING:
HB 195 - Repeal Milk Marketing Laws
HB 197 - Mineral Exploration Incentive Credits
HB 170 - Intensive Mgt. of Game

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
✓ Nico Bus	DNR DNR				2406	(Y) N	HB 195
Sara Hamman	AEL	PO Box 22151 Juneau	99801	4	463-3366	(Y) N	HB 170
✓ Al Clough	DLCD				5463	(Y) N	HB 197
(AD) Paul Dick	Revenue					(Y) N	HB 197
✓ Jules Tieston	Mineral-DNR					(Y) N	HB 197
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

HOUSE RESOURCES COMMITTEE
Roll Call and Members' Bill Votes

* (indicates first public hearing)

Room 124, Capitol Bldg.

(Mon.) Wed., Fri.

Date: 2/27/95

Tape# 95-23 Joint _____

Time: _____ am/pm Time Adjourned: _____ am/pm

ROLL CALL:	PRES	ABS	TIME	AR			
Rep. Joe Green	✓						
Rep. Bill Williams			8:13				
Rep. Scott Ogan							
Rep. Alan Austerman	✓						
Rep. Ramona Barnes			8:55				
Rep. John Davies							
Rep. Pete Kott	✓						
Rep. Eileen MacLean							
Rep. Irene Nicholia							

Other Legislators Present Rep. James, Rep. Kelly

AGENDA:

Bill No.	Short Title	Action Taken
<u>HB 169</u>	<u>DNR IS LEAD Agency for Mining</u>	<u>CSHB 169 (RES) CMT</u>
<u>HB 80</u>	<u>DNR approval of Plans for Uranium Dev.</u>	<u>CSHB 80 (CR) CMT</u>
<u>HB 170</u>	<u>Intensive Mgt. of Game</u>	<u>HELD</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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Mary Pagenkopf

House Resources
2-27-95 8:05 am
Tape #95-23
HB170

9-LS0676C
Utermohle
2/24/95

CS FOR HOUSE BILL NO. 170()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Toohey

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to intensive management of identified big game prey populations and
2 to cooperation between the commissioner of fish and game and the Board of Fisheries
3 and the Board of Game."

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

5 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that providing for high levels
6 of harvest for human consumptive use in accordance with the sustained yield principle is the
7 highest and best use of identified big game prey populations in most areas of the state and that
8 those identified big game prey populations should be managed accordingly.

9 * Sec. 2. AS 16.05.020 is amended to read:

10 Sec. 16.05.020. FUNCTIONS OF COMMISSIONER. The commissioner shall

11 (1) supervise and control the department, and may appoint and employ
12 division heads, enforcement agents, and the technical, clerical, and other assistants
13 necessary for the general administration of the department;

14 (2) manage, protect, maintain, improve, and extend the fish, game, and

1 aquatic plant resources of the state in the interest of the economy and general well-being
2 of the state;

3 (3) have necessary power to accomplish the foregoing including, but not
4 limited to, the power to delegate authority to subordinate officers and employees of the
5 department;

6 (4) cooperate with and assist the Board of Fisheries and the Board of
7 Game by implementing regulations, programs, and research as requested by either
8 board.

9 * Sec. 3. AS 16.05.050(1) is amended to read:

10 (1) to cooperate with and assist the Board of Fisheries and the Board
11 of Game by implementing regulations, programs, and research as requested by
12 either board [UNITED STATES FISH AND WILDLIFE SERVICE IN THE
13 ENFORCEMENT OF FEDERAL LAWS AND REGULATIONS PERTAINING TO
14 FISH AND GAME];

15 * Sec. 4. AS 16.05.255(e) is amended to read:

16 (e) The Board of Game shall adopt regulations to provide for intensive
17 management programs to restore the abundance or productivity of identified big game
18 prey populations as necessary to achieve human consumptive use goals of the board in
19 an area where the board has determined that

20 (1) consumptive use of the big game prey population is a preferred use;

21 (2) depletion of the big game prey population from historic high levels
22 or reduction of the productivity of the big game prey population has occurred and may
23 result, or has resulted, in a significant reduction in the allowable human harvest of the
24 population; and

25 (3) enhancement of abundance or productivity of the big game prey
26 population is feasibly achievable utilizing recognized and prudent active management
27 techniques.

28 * Sec. 5. AS 16.05.255(g)(2) is amended to read:

29 (2) "intensive management" means management of an identified big game
30 prey population to enhance, extend, and develop the population to maintain high levels
31 or provide for higher levels of human harvest, including control of predation and

1 prescribed or planned use of fire and other habitat improvement techniques, but not
2 including restrictions on methods or means of taking game, access to game, or
3 human harvest of game.

4 * Sec. 6. AS 16.05.255(g) is amended by adding new paragraphs to read:

5 (3) "harvestable surplus" means the number of animals that is equal to the
6 number of offspring born in a game population during the year less the number of
7 animals in the population that die during the year from all causes other than predation or
8 human harvest;

9 (4) "high level of human harvest" means the harvest of one-third or more
10 of the harvestable surplus of a game population for human harvest;

11 (5) "sustained yield" means the achievement and maintenance in
12 perpetuity of a high level of human harvest of game on an annual or periodic basis.

13 * Sec. 7. AS 16.05.255 is amended by adding a new subsection to read:

14 (h) The board shall manage game populations for which human use is an
15 important use so as to provide at least one-half of the harvestable surplus for human
16 harvest.

17 * Sec. 8. AS 16.05.270 is amended to read:

18 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. (a)
19 For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate
20 authority to the commissioner to act in its behalf.

21 (b) If a board delegates authority to the commissioner, the commissioner
22 shall cooperate with and assist the board by implementing regulations, programs,
23 and research as requested by the board.

24 (c) If there is a conflict between the board and the commissioner on proposed
25 regulations, public hearings shall be held concerning the issues in question. If, after the
26 public hearings, the board and the commissioner continue to disagree, the issue shall be
27 certified in writing by the board and the commissioner to the governor who shall make
28 a decision. The decision of the governor is final.

"SUSTAINED YIELD"

Alaska's Constitutional Mandate for Action



John B. Coghil
Lieutenant Governor
Constitution Convention Delegate
and
Bruce W. Campbell
Staff Researcher

Office of the Lieutenant Governor
P.O. Box 110015
Juneau, Alaska 99811
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February 2, 1994

Executive Summary

Management of Alaska's resources on the "sustained yield principle" sets consumptive human use as the highest priority for replenishable resources. Establishing resource management policies and principles at the constitutional rather than the legislative level protects resource agency practices from immediate political influence and the changing nature of public sentiment in an ever more urban population. Individuals and groups desiring to influence resource management policies need to clearly understand the policy and principles of resource management set in the State's Constitution.

The framers knew that mere possession of land by the State would not, in itself, ensure economic development and self sufficiency for Alaskans. To ensure that lands and resources could be used by Alaskans for economic purposes the Framers of the Alaska Constitution crafted Article VIII of the Alaska Constitution. Article VIII establishes State policy and management principles for land acquired from the federal government. Section 1, of Article VIII, sets land and resource use policy. Land and resources are to be made available for "maximum use".

In addition to land use policy, the Framers also set resource management principles in the Constitution. Section 4, establishes the principle of management for "sustained yield." Sustained yield management is mandated for all wildlife resources under State control, and all replenishable resources on State lands.

Resources that are managed at a maximum level obviously require active stewardship to sustain population levels and prevent long term declines. Sustained yield management is a "conscious" action, an action intended to maintain at capacity our replenishable resources.

If the Resources Committee had used the word "conserved," in Section 4, one could have argued that a "no action" alternative existed as a management option. Rejection of the word "conserve" for the word "maintain" clearly indicates that the State is mandated by the Constitution to actively manage its replenishable resources. Resources are to be replenished to a full capacity, to a maximum level.

Management "subject to preferences among beneficial uses" directs management efforts toward species and resources suitable for human consumption, not, as the framers explained, for parasites or diseases. Resource agencies are constitutionally charged to assure that Alaska's resources remain plentiful and available for human use. Use of a resource cannot be blocked or unreasonably impeded by another user, user group, or management agency. Wise use ensures the health, sustainability, and diversity of Alaska's replenishable resources.

Sustained yield is a powerful mandate guiding agency practices for Alaska's replenishable fish, forests, and wildlife resources. It assures the wise use of Alaska's resources.

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Preamble

Statehood was seen by Alaskans as a means to access land and resources for their individual livelihoods. The land and resource management policies in the Constitution were established with considerable popular support. The meaning of "sustained yield" was clear when the Alaska Constitution was drafted in the winter of 1955 and 1956. I believe that the meaning remains clear today, superseding statutory and regulatory definition.

One of the principle purposes for achieving Statehood was the selection of land for utilization and development by Alaskans. From this land selection would arise an economy that could support the State government. Natural resource development was then, and is yet today expected to be the key to Alaska's economy.

Failure of these resources to be developed under federal management led the framers of the Constitution to seek a mechanism that would assure the citizens access to and utilization of Alaska's resources. The sustained yield section of the Constitution is intended to mandate the management of state owned resources at an optimum level for future use and development.

To understand the meaning and intent of the phrase "sustained yield" in our Constitution we must understand the meaning of the words and the context in which they are used. It is also useful to understand the use of the phrase in the wildlife literature in this period.

The definition of "sustained yield" has recently taken on new political meanings by various animal rights and preservation organizations. Political conflict regarding man's use of natural resources makes it important for Alaskans to

understand the original meaning and intent of the Constitution. The Constitution grants the Legislature the power to reserve lands from the public domain for parks and special withdrawals, in Section 7, but this land use is clearly secondary to the use of lands to provide for economic development.

Replenishable resources are to be managed to provide a high or maximum sustained level of consumptive utilization for humans, by Alaskans.

Definitions of Sustained Yield

The Alaska Constitution, Article VIII, Section 4 reads:

Section 4 - Sustained Yield.

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

"The history of Alaska has been closely related to, indeed often dependent upon, its fur, fish and game."¹ The importance of wildlife and replenishable resources to Alaskans led to the incorporation of Section 4 in Article VIII, of the Alaska Constitution. Professor John Buckley argued the feeling of many Alaskans in his presentation to the Constitutional Convention: "Wildlife Conservation often has been treated somewhat lightly with mismanagement or no management resulting; it has not been granted the prompt corrective measures that would have been accorded most other resources. . . . It is to forestall political interference and to maintain continuity that I believe provision for wildlife should be at the constitutional rather than legislative level."²

Few other States have a constitutional provision for natural resources such as Article VIII. The Committee on Resources heard extensive testimony on non-renewable resources, and on replenishable resources. I believe this testimony was overwhelmingly in agreement with the meaning and intent of Section 4, Sustained Yield, in Article VIII. In fact, the wording in the section on Sustained Yield varied very little over the course of the debate on Natural Resources.

Resources Committee Definition

The Committee on Resources included a description of Sustained Yield in its December 16, and January 16 commentary submitted to Convention President Egan. This definition reads:

"Sustained Yield is recognized as a principle applicable to the administration of plant and animal life subject to the immediate authority of the State. This provision applies generally to wildlife and fisheries anywhere in the State and to the forests and other replenishable resources including grass which occurs on lands in the State domain. This principle is qualified in terms of 'the highest beneficial public use' in recognition of its not being in the public interest to preserve certain parasitic or predatory organisms destructive of more beneficial plant and animal life. The reference of this section is to the State of Alaska, and not to any particular parcel of land or any particular parcel of water."³

The above definition clearly indicates that the Committee viewed the sustained yield issue as one of **administration**, of **action** on the part of the applicable State agency or commission.

The discussion by the Resources Committee also clarifies the intent of the qualifying phrase: "subject to preferences among beneficial uses." This phrase clearly refers to uses, not users, or competing user groups. Management for sustained yield "subject to preferences among beneficial uses" clearly reaffirms that the overall intent of the section on sustained yield is to prioritize human consumption. Consumptive uses have preference over non-consumptive uses of wildlife and all other replenishable resources.

Management must be preferentially for species and resources suitable for human consumption, not, as the Committee on Resources explains, parasites or predators that would cause species such as caribou to decline. Management for "sustained yield" is mandated for all wildlife resources under State management, and all replenishable resources on State lands.

Utermohle Definition

George Utermohle, in his explanation of terms utilized in the Constitution defined "sustained yield" with respect to wildlife as follows:

"Sustained Yield Principle: . . . For fish, wildlife . . . the term 'sustained yield principle' is used in connection with management of such resources. When so used it denotes conscious application insofar as practicable of principles of management intended to sustain the resource being managed."

The "administration" referred to in the Resource committee commentary is also the "management" referred to by George Utermohle. It mandates a "conscious" action, an action intended to maintain and keep available replenishable

resources. Management intended to prevent the depletion of wildlife resources by over harvesting, or by natural causes where possible. The sustained yield provision is intended to assure "the conscious application," of management tools by the future Department of Fish and Game. Actions intended to benefit wildlife populations.

Harrison Definition

Gordon Harrison, Alaska Legislative Research Agency, Further explains that:

"The principle of sustained yield management is a basic tenet of conservation, it is the simple yet fundamental idea that the annual harvest of a biological resource should not exceed the annual regeneration of that resource. Maximum sustained yield is the largest harvest that can be maintained year after year."⁴

The Alaska Constitution mandates the "hands on" management of wildlife and replenishable resources for the maximum sustained yield.

Discussion of key words

A concerted effort was made by each constitutional committee discussing the meaning of words and phrases. Section 4 contains several important words and phrases that reveal its intent. The resources listed are "replenishable." They are to be "utilized, developed, and maintained."

The listing of only replenishable resources for "sustained yield" management indicates that the committee did not intend for non-renewable resources to be managed for "sustained yield." The mineral resources in the ground are thus expected to be developed, extracted from the ground and made available "for the benefit of mankind."⁵ Development of non-renewable resources is expected to exhaust the resource. As a specific deposit or resource location is depleted, other commodities or other deposits are expected to be found and developed to sustain the economy. Replenishable resources, in contrast, can be maintained at high levels of productivity in perpetuity.

Replenishable versus renewable

Alaska's Constitution established resource management policy for both replenishable resources and non-renewable resources. The Alaska Constitution uses the word replenishable to distinguish between wildlife, timber, and other resources that can be managed for the long term rather than the word renewable.

The selection of the word replenishable instead of the word renewable, gives us further insight into the management intent contained within the Alaska Constitution. There is a distinct difference between managing for replenishment and

managing to renew. To renew a resource means to return to its original condition. To replenish a resource means to fill or build-up to a full state, to capacity, to a maximum level.

The dictionary defines renew as follows:

"1. To make new or as if new again; restore."

The definition of replenish is:

"1. To fill or make complete again; add a new stock or supply to: *replenish the larder*."⁶

There is little question that the framers of the Constitution, as with most Alaskans, looked upon the fish, wildlife, timber and like resources as part of society's larder, as a resource to supply the needs of mankind.

For example, to manage a herd of 500 caribou on a renewable basis, a sufficient management goal might be interpreted as maintaining the herd at or about 500 caribou. To maintain the same herd on a replenishable basis requires an analysis of the herd to find out, for example, that the area could sustain 5,000 caribou. A sufficient management goal for replenishment would include those factors that would produce a steady increase in the size of the herd until it approached 5,000.

Managing for replenishment means managing for a maximum level at or near capacity. The Alaska Constitution established the management policy for fish, wildlife, timber and other replenishable resources at a maximum level.

Maintain versus conserve

There is little question that the words "utilized" and "developed" in the phrase: "shall be utilized, developed, and maintained" intends for the State's resources to be directly and physically used by mankind. It is interesting to note that the Resources Committee tried and rejected the word "conserve" as a substitute for "maintain" in Section 4. We can read the version of January 29th, 1956:

"Section 4. Fish forests, wildlife, grasslands and all other replenishable resources belonging to the State shall be utilized, developed and conserved on the sustained yield principle, subject to preferences among beneficial uses."⁷

If the word "conserved" had remained the meaning of this section would have been substantially different. This word change was one of the few considered alterations of Section 4. In the light of the considerable rewrites of other sections, this attests to the importance and agreement regarding the management of Alaska's resources on the principle of "sustained yield."

Cook interpretation of "maintained"

Gregory F. Cook, in his research paper "The Sustained Yield Principle of Article VIII, Section 8," significantly errs in his interpretation of the use of the word "maintained" by concluding that:

"Assuming . . . that the word 'maintained' in Art. VIII, Section 4 has an even broader meaning than 'conserved,' then it seems quite reasonable to conclude

that the sustained yield principal of Section 4 was intended to include preservation, i.e., non-harvesting uses."⁸

It is incorrect to assume that "maintained" has a broader meaning than "conserve." The verb "conserve" means "to keep in a safe or sound state; to save; to preserve from change or destruction. 'Conserve' stresses the maintenance of an existing condition."⁹ If the Resources Committee had used the word "conserved" one could have argued that "no action" or "no use" alternatives existed for the State as a management option.

In contrast, the word "maintain" signifies literally "to hold by the hand, . . . to support what has already been brought into existence."¹⁰ To maintain replenishable resources requires active involvement. Resource managers charged with maintaining Alaska's resources must see their role as a dynamic one utilizing the best available science to actively replenish wildlife and forest resources.

The selection of the word "maintain," and the rejection of the word "conserve," in Section 4, gives us a very important insight into the meaning of "Sustained Yield Principles." To "maintain" our resources means, for example, that we will not only manage man's activities through harvest limits or seasons, but also support and manage the resource itself. It means that we will provide the stewardship and the husbandry needed to keep renewable resources available at the highest possible level for human use.

The use of the word "maintain" further illustrates the Constitutional mandate to actively manage State resources with the best techniques and principles available to the responsible State agencies.

Context: Article VIII

Alaska is one of few states that includes a reference to Natural Resources in its Constitution. Article VIII of the Alaska Constitution establishes the States policy on Natural Resources. The inclusion of this article was discussed at length in the early development of Alaska's Constitution. Alaskans felt that federal policies and practices had hampered the utilization of Alaska's resources, blocking the natural development of a sustainable economy.

The desire to escape from restrictive Federal policies hampering the utilization of Alaska's resources, was a key reason for Statehood. Article VIII sets the State's resource policy, with the clear intent to encourage the development of the State's resources.

Article VIII has eighteen sections. Section 1 is a "Statement of Policy." Section 2 establishes "General Authority." Section 3 establishes that wildlife is reserved for "Common Use," and Section four is "Sustained Yield." The organization of these sections was carefully considered by the Resources Committee, and the Committee on Style and Drafting as well as the body of the Constitutional Convention. Section 4 follows, and is responsible to the preceding sections.

Section 1 - Statement of policy.

It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Section 2 - General Authority.

The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Section 3 - Common Use. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Section 4 - Sustained Yield.

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

The organization of these sections varied during the various drafts in the Resource Committee reports. The final organization was developed in conjunction with the Committee on Drafting and Style. The organization clarifies the relative meaning and importance of each sections.

Section 1 establishes maximum use as the reigning policy for natural resources on State land. Section 2 authorizes the legislature to provide the legal mechanism for Alaskans to utilize, develop and conserve natural resources belonging to the State. Conservation of natural resources is authorized in Section 2 and specifically explained in Section 7.

The phrase "natural resources" in Section 2 encompasses a broader class of resources than the "replenishable resources" in the Section 4 list of resources to be managed for sustained yield. If the Legislature is to set aside or "conserve" a land area under Section 7, it may well be setting aside all resources, including both non-renewable and replenishable natural resources.

Section 3 mandates the reservation of "fish, wildlife and waters" for common use. This is a distinct subset of resources. Fish and wildlife are replenishable resources, and are again mentioned in Section 4 as resources to be managed for sustained yield. Forests, grasslands, and other non-renewable resources are not reserved for common use recognizing that they may be harvested for commercial interests benefiting an individual or group of users.

The "sustained yield principle" in Section 4 is subject to the "maximum use" policy of Section 1. Our maximum use policy emphasizes the "yield" aspect of "sustained yield principles."

Thus utilization is to be provided up to the maximum level that the resource can sustain. The best scientific principles available are to be used to guide the level of utilization and management. Resources that are utilized to a near maximum extent obviously require active husbandry and management to sustain population levels and prevent long term declines. This is a powerful mandate to the resource agencies with legislatively designated responsibility for Alaska's replenishable resources.

Preservation versus development

Those who advocate "no action" alternatives to resource management generally argue that our resource management policies must be expanded to include preservation.

Preservation policy, however, must be applied within the confines of the appropriate federal withdrawals, and special land areas set aside under Section 7, Article VIII. It is not acceptable to apply preservation management policy to lands and resources needed to create a sustainable economy.

The argument for Statehood was a battle to allow Alaskans the opportunity to utilize the lands and resources around them. "[T]remendous acreages of land have been tied up in the status of Federal reservations and withdrawals for various purposes. The [U.S. House Interior and Insular Affairs] committee feels strongly that this practice has been carried to extreme lengths in Alaska, to a point which has hampered the development of such resources for the benefit of mankind. As a result a long list of potential basic industries . . . can exist in Alaska only as tenants of the Federal Government, and on sufferance of the various Federal Agencies. . . The committee feels that this policy must be changed if statehood for Alaska is to be a success."¹¹ Preservation was well represented in Alaska in 1955 - on federal lands and withdrawals.

Preservation, the policy of inaction, is a very real part of Alaska, and has remained an option for the federal parks and reservations which encompass a large part of this land. However, before Congress would pass the Statehood Act our representatives had to assure Congress that we would use our resources to sustain the State.

Historical viewpoint

At the Constitutional Convention it was well understood that the phrase "sustained yield principles" directs the responsible resource agency with the task of maintaining a yield from the States resources.

In the 1950's the phrase was particularly common in the discussion of Fishery resources. The depletion of various fish streams under federal management was to be avoided at all costs under State management. Depletion was to be prevented not only by regulation of the harvest levels and methods by fishermen, but also by developing fish hatcheries or other man made enhancement efforts to restore a fishery to maximum sustainable levels.

Successful resource management in the 1950's, when our Constitution was being crafted, included not only forests and fisheries, but also migratory waterfowl, and large game. Bringing migratory waterfowl back from the brink of extinction is one of the great successes in the development of modern wildlife management principles.

Sidney Huntington's new book "Shadows on the Koyukuk" has an excellent discussion on wolves. The story of Don Strickman and Sid's brother Jimmy in the winters of 56-58 as well as reports of (future Governor) Jay Hammond's work in the Northern Alaska, and the success these active management efforts produced, were a part of the philosophy of wildlife resource management prevalent at the Constitutional Convention.

By the 1950's wildlife managers had proven abilities to manage animal populations, and many of our replenishable resources. Management of wildlife called for the cooperative work of hunters, biologists and game wardens. John

Buckley argued that "wildlife is living and dynamic . . . Immediate action can result in saving for human use many animals that would otherwise be lost to natural causes; conversely, prompt action can also prevent overharvest. Therefore regulations relating to wild animals must be made by an organization capable of rapid action. Legislative action is too slow."¹²

I cannot over emphasize the importance of Article VIII to wildlife and replenishable resource management. I believe Mr. Buckley said it best:

"It is to forestall political interference and to maintain continuity that I believe provision for wildlife should be at the constitutional rather than legislative level."¹³

Inaction, to fail to manage a replenishable resource at or near its maximum capacity, to stand by and allow a replenishable resource to significantly decline, is contrary to the "sustained yield" provision of Alaska's Constitution.

Conclusion

Those interested in utilizing these resources must not feel that they "can exist in Alaska only as tenants of the [State] government and on the sufferance of the various [State] agencies"¹⁴ let alone animal rights or preservation interest groups. "Sustained yield" means that we will provide the stewardship and the husbandry needed to keep replenishable resources available at the highest possible level.

All resource agencies must work to assure that Alaska's replenishable resources are available for utilization. No one agency, no single interest group, has a preference or a priority over the State's replenishable resources. Access or use of one resource cannot be blocked or unreasonably impeded by an agency responsible for another resource.

The framers recognized that utilization of one resource was generally an asset to the development of another. Utilization of timber resources enhances access for hunters, provides a patch of new foliage for wildlife, and acts as a fire block for a nearby cabin owner. Utilization increases the value of a resource to society, and thereby increases the impetus for successful management efforts. Wise use ensures the health, sustainability and biodiversity of Alaska's replenishable resources.

The Resources Committee, the signatories to the Constitution, the people who voted for the Constitution, and the U.S. Congress who ratified the Constitution in the Statehood Compact, clearly intended for the active management of Alaska's replenishable resources for consumptive use by Alaskans.

References

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13. Buckley, John L., 'Wildlife and the Constitution', Prepared for consideration of the Committee on Natural Resources of the Alaska Constitutional Convention, page 2 & 3, December, 1955.
14. Modified from: 'House Committee on Interior and Insular Affairs, H. R. Rep. No. 624, 85th Cong., 1st Sess. (1955), in State of Alaska vs. United States of America, 1993.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161

While in Juneau
State Capitol
Juneau, Alaska
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(907) 465-2327

House District 31

Memcrandum: House Of Representatives

February 15, 1995

To: Representative Joe Green
Representative Bill Williams
Resource Committee Co-Chairmen

FEB 20 1995

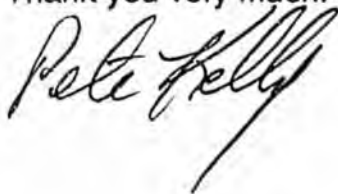
From: Representative Pete Kelly

Regarding: Hearing request for HB 170.

Please schedule HB 170 for a hearing by the Resource Committee, at your earliest convenience.

HB 170 is a technical clarification to the Senate Bill 77, passed last year. It clarifies the language in the act, and adds definitions to assist the agency in the implementation of the policy directive in the original bill.

Thank you very much.



Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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House District 31

House Of Representatives House Bill 170

Sponsor Statement

Maintaining plentiful populations of wildlife is tremendously important to Alaskans, and to those potential Alaskans who visit the State each year. House Bill 170 adds guiding language to the Department of Fish and Game's resource management policy, insuring consistency with Article VIII of the Alaska Constitution.

House Bill 170 clarifies the wildlife management agency's options for action in times of need, and that this action must first be a proactive one, not merely a limit on the opportunity of individuals to observe, hunt, or partake of Alaska's wildlife bounty.

House Bill 170 gives the Department of Fish and Game statutory guidance in the constitutional requirement to utilize, develop and maintain wildlife populations on the sustained yield principle. HB 170 achieves this by providing clear definitions for the terms "sustained yield," "harvestable surplus," and "high level of human harvest."

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 170

Revision Date: _____ Dept. Affected: Fish and Game
 Title: "An Act relating to intensive management of identified big game prey populations." BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Representative Kelly
 Requester: House Resources COMPONENT SERIAL NO. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	150.0	155.8	162.6	169.7	177.1	184.9
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	150.0	155.8	162.6	169.7	177.1	184.9
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1024)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1024 Fish/Game	150.0	155.8	162.6	169.7	177.1	184.9
TOTAL	150.0	155.8	162.6	169.7	177.1	184.9

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Assumptions:

1. New intensive surveys of moose in summer will be required to determine birth rates. Intensive census of moose populations will be required in winter.
2. Operating expenditures will fund efforts in GMU 13, 19, and 20.
3. As additional big game prey populations are identified by the Board of Game, survey/census costs will be an additional \$50.0 per population per year.

Prepared by: Wayne L. Regelin, Acting Director
 Division: Wildlife Conservation
 Approved by Commissioner: *Frank...*
 Agency: Alaska Department of Fish and Game

Phone: 465-4192
 Date: 2/17/95
 Date: 2.21.95

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DEPARTMENT OF FISH AND GAME
POSITION PAPER

Bill No: HB 170

Sponsor: Representative Kelly

Division: Wildlife Conservation

Bill Title: "An Act relating to intensive management of identified big game prey populations."

Department Position: Oppose

Background/Legislative Intent: This bill would amend a statute enacted during the Eighteenth Legislature (SB 77), but not yet implemented through regulations of the Board of Game. The apparent intent of these amendments is to strengthen laws relating to "intensive management" and embed within statute the philosophy that high human consumptive use of game is the highest and best use of Alaska's wildlife resources.

Analysis of Bill/Program Effects: HB 170 would force the department and the Board of Game into attempting to fulfill often unachievable objectives, ignoring accepted scientific standards, and sometimes sacrificing other resources and values. This proposed legislation has the potential to do disservice to the resources and users of those resources that it intends to benefit.

Section 2 of this bill would set "historic high levels" of identified big game prey populations as the standard for triggering intensive management by the board. Most moose and caribou populations peaked in the mid-1960s before we had reliable survey technology, thus we have no way of knowing what "historic high levels" really were, and those "historic high levels" resulted from the virtual elimination of predators in the 1950s by federal land managers, resulting in game populations exceeding the carrying capacity of their habitat. "Historic high levels" of prey populations are impossible to maintain over the long-term, as density dependent food limitation will at some point impact population dynamics. Maximum levels of human utilization occur at levels well below the maximum number of animals that can be supported by the habitat (maximum sustained yield principle).

Section 3 of this bill fosters the misconception that "intensive management" means management of an identified population of big game prey animals. The department doesn't manage just prey--it manages the system, but within constraints imposed by competing human demands. The encroachment upon or appropriation of wildlife habitat for agriculture, industrial development, human habitation, timber harvest, etc. are often at odds with maintenance of large wildlife populations and high sustainable human harvest objectives.

Sections 4 and 5 of this bill set unreasonably high, often unachievable allocation standards.

- Limitations on human harvest are important components of intensive management and, alone or in combination with other management tools, have been highly successful in restoring the abundance of depleted populations. The Western Arctic and Nelchina caribou herds are examples of the success of this approach.

- The proposed definition of "harvestable surplus" is naive, unrealistic and overly simplistic. It assumes that all predation is additive mortality, which has been shown to be false. It assumes that saving a young animal from predation will result in that animal being recruited into a harvestable age class. In order for this approach to have some possibility of success much of the harvest would have to be comprised of newly-born calves, during a June hunting season.
- Without appropriating many times current expenditures for survey and inventory, productivity surveys, mortality studies, etc., we cannot know the number of animals born in a game population or the number that die. Wildlife management involves more than counting animals; we must also consider age structure of populations, sex ratios, habitat quality, productivity, disease and parasites, environmental variables, and other factors.

Section 5 would also impede wildlife range expansions and hinder the recovery of depressed game populations by requiring annual allocations of "at least one-half of the harvestable surplus" as a priority over herd growth or health of a wildlife population. The wording of this section also seems to mandate consumptive use of any game population for which any human use is important, even if the present use is nonconsumptive.

This bill attempts to micromanage wildlife in Alaska by statute without regard to the variability and dynamism of naturally functioning ecosystems. In addition, the bill would preempt the Board of Game's allocation responsibilities and exclude the public from the existing board process. It is entirely appropriate for the legislature to provide direction to the board and department. It is counterproductive for the legislature to then tie the wildlife managers' hands by removing the flexibility needed to deal with variation across the state or by requiring expenditures directed toward gathering data that are unnecessary for any reason except to meet unrealistic mandates.

"Intensive management" legislation became effective on July 11, 1994. In the succeeding seven months, the Board of Game has worked diligently to implement the new law, discussing regulatory change at its November meeting and scheduling a special work session in December. The board will adopt regulations implementing intensive management in March of this year. It would be premature to amend this law just as it is being implemented and before its effectiveness or possible inadequacies have been tested or evaluated.

Gerson Bruce for Frank Rice
Commissioner's Signature

2/22/95
Date

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
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Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 20, 1995

SUBJECT: Sectional Summary of HB 170; An Act relating to intensive management of identified big game prey populations.

TO: Representative Pete Kelly

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 170; An Act relating to intensive management of identified big game prey populations.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill sets out the proposed legislative findings regarding the bill.

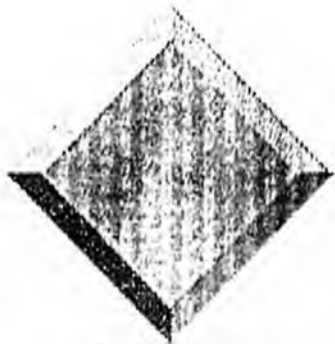
Section 2 of the bill amends AS 16.05.255(e) by refining the criteria used to determine when the Board of Game shall adopt regulations regarding intensive management programs for identified big game prey populations.

Section 3 of the bill amends the definition of "intensive management" for purposes of AS 16.05.255(g).

Section 4 of the bill amends AS 16.05.255(g) by adding definitions for "harvestable surplus," "high level of human harvest," and "sustained yield."

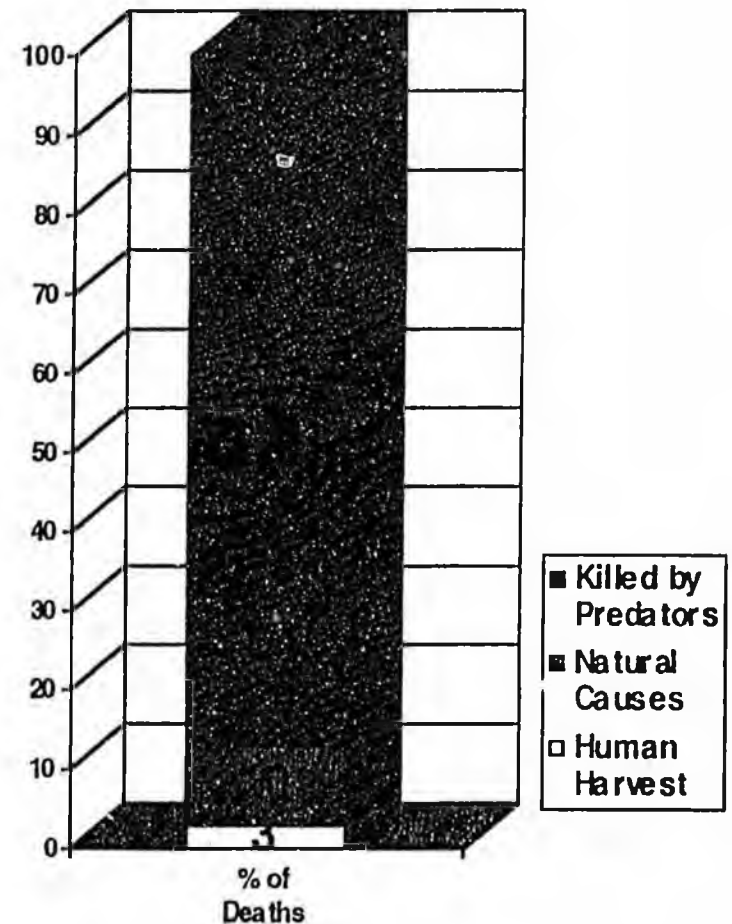
Section 5 amends AS 16.05.255 by adding a new subsection providing that the Board of Game shall manage game populations for which human use is an important use so as to provide one-half of the harvestable surplus for human use.

GU:klb
95-081.klb

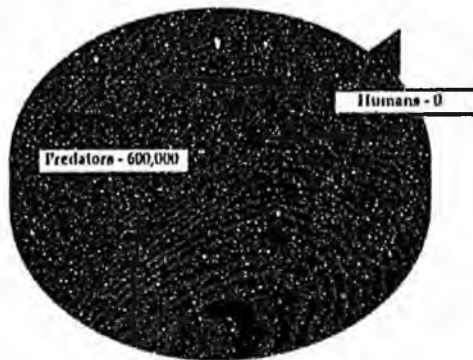


Alaska Wildlife Harvest Data

- ❖ About 650,000 (or more) Moose, Caribou and Dall Sheep will die in Alaska this year. Using Alaska Department of Fish and Game data, this graph demonstrates how they will most likely meet their fate. Less than 3% will be harvested by humans. About 10% will die of natural causes. The remaining 87% will be killed by predators.

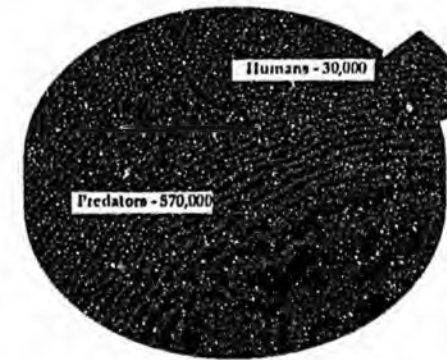


1 *Where Alaska Is Going*
"Biodiverse" Management Philosophy



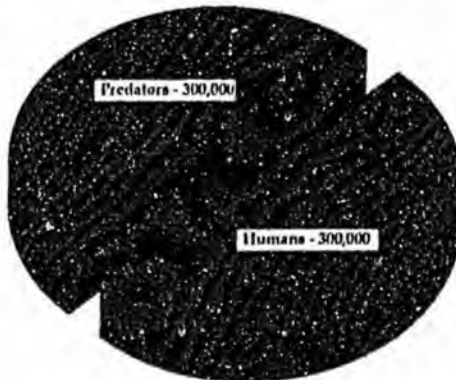
Harvestable Surplus Allocation -- Moose, Sheep and Caribou

2 *Where Alaska Is Now*
"Ecosystem" Management Philosophy



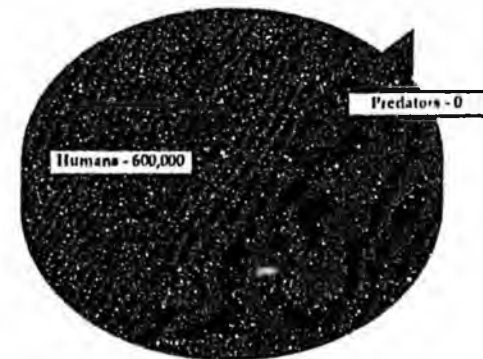
Harvestable Surplus Allocation -- Moose, Sheep and Caribou

3 *Where Alaska Should Be*
"Equality" Management Philosophy



Harvestable Surplus Allocation -- Moose, Sheep and Caribou

4 *Where Alaska Could Be*
"Human" Management Philosophy



Harvestable Surplus Allocation -- Moose, Sheep and Caribou

Alaska State Legislature

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House District 31

House Of Representatives

Why HB 170?

Perhaps the answer is best found in the words of the Department of Fish and Game presentation to the Alaska Board of Game, November 8, 1994:

"The legislature did not define several other key phrases important to the implementation of SB 77. . . . [H]ow each should be interpreted and applied to implement this new statute . . . will provide valuable guidance to the department and public . . ."

"The most important terms we believe need to be discussed are:

- "1. high levels of human harvest;
- "2. high consumptive use goals of the board."

HB 170 provides these definitions, and clarifies State policy for ADF&G. It is the hope of the sponsor that this will assist ADF&G in the implementation of intensive management, where needed in Alaska.

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
DIVISION OF WILDLIFE CONSERVATION

MEMORANDUM

TO: Advisory Committee Chairmen

DATE: October 17, 1994

FILE NO:

TELEPHONE NO: 465-4190

FROM: Dave Kelleyhouse
Director

SUBJECT: Solicitation of Advisory
Committee Comments on
New Sections to AS 16.05.255
Intensive Management

The Alaska Board of Game is seeking public input through local fish and game advisory committees on SB 77, the intensive management bill. I have attached a copy of the legislation and an assessment of what the bill requires of the Board of Game to implement.

I have directed staff of this division to assist your committees with discussion of this legislation. I suggest that you spend some time at your next meeting considering how this bill can be applied to your areas of jurisdiction.

Chairman Dick Burley would like to receive written comments from advisory committees. The board will be meeting this fall in Juneau, November 4 to 13, and in Soldotna, January 21 to 28, 1995. Comments should be mailed to:

Alaska Department of Fish and Game
Board Support Section
P.O. Box 25526
Juneau, AK 99802

cc: Area Biologists
Management Coordinators
Regional Supervisors
Wayne Regelin

Attachments

SENATE BILL 77, INTENSIVE GAME MANAGEMENT
AS 16.05.255

- In spring 1994 the Legislature passed an intensive management bill which was signed into law by Governor Hickel.
- The Legislature found "that providing for high levels of human consumptive use in accordance with the sustained yield principle is the highest and best use of identified big game prey populations in most areas of the state and that the big game prey populations in these areas should be managed accordingly."
- "Intensive management" is defined in the law to mean management of an identified big game prey population to enhance, extend, and develop the population to maintain high levels or provide for higher levels of human harvest, including control of predation and prescribed or planned use of fire and other habitat improvement techniques.
- The law will only apply to big game prey populations formally identified by the Alaska Board of Game that are important for providing high levels of harvest for human consumptive use.
- Once identified by the board, such populations may be subject to intensive management to achieve human consumptive use goals of the board.
- The board may not significantly reduce harvests on identified populations without first adopting or scheduling for adoption at their next meeting regulations providing for intensive management.
- The board also may authorize intensive management of identified populations which have become depleted or experienced reduced productivity which, in turn, may result in a significant reduction in allowable harvests. Enhancement must be determined to be feasibly achievable.
- The board does not have to adopt regulations for intensive management if it determines that intensive management would be ineffective based on scientific information, inappropriate due to land ownership patterns, or against the best interest of subsistence uses.
- The board can also take immediate action to reduce harvests if a biological emergency exists in conjunction with scheduling for adoption intensive management regulations at its next meeting.

Implementation

- 1) The Alaska Board of Game should interpret key phrases in the statute left undefined by the Legislature, i.e., "high levels of human harvest," "depletion of populations," "reduction of productivity," etc.
- 2) The board should establish a process for identifying big game prey populations to which the law will apply.
- 3) The board must formally identify big game prey populations and establish broad human use goals for the law to take effect.
- 4) The board must determine if an identified population is depleted or its productivity reduced; it must further determine that enhancement is feasibly achievable.
- 5) The board shall adopt intensive management regulations if determinations in (4) above are affirmative and; intensive management would not be ineffective based on scientific information, inappropriate due to land ownership patterns, or against the best interest of subsistence uses.
- 6) The board may not significantly reduce the taking of an identified population without first adopting, or scheduling for adoption, intensive management regulations if consistent with (4) and (5) above.

November 8, 1994

**PRESENTATION TO THE ALASKA BOARD OF GAME
ON LEGISLATIVE CHANGES TO AS 16.05.255,
THE POWERS OF THE BOARD OF GAME**

The Eighteenth Legislature passed and Governor Hickel signed into law SB 77, "An Act Relating to the Powers of the Board of Game and to Intensive Management of Big Game to Achieve Higher Sustained Yields for Human Harvest." With passage of this bill the legislature expressed its finding that providing for high levels of harvest for human consumptive use in accordance with the sustained yield principle is the highest and best use of identified big game prey populations in most areas of the state and that the big game prey populations in these areas should be managed accordingly.

The clear intent of the Legislature was that in certain important hunting areas, management should be designed to achieve and maintain high harvest levels from identified populations of moose and caribou as well as other ungulate species within biologically sound limits. When necessary and feasible, habitat improvement and management of predation should be used to achieve and maintain high harvest levels for human consumptive use from these populations. There was strong bi-partisan support for this bill in the House.

It is important to recognize that this legislation does not mandate intensive management for all ungulate populations in all areas of the state. The legislature was aware that intensive management would not be necessary, practical or even helpful everywhere. The legislature intended that this bill apply to those identified populations that are important for providing high levels of harvest for human consumptive use and in circumstances where enhancement would be helpful.

To begin to apply the law, the Board must first identify populations of ungulates that are important for providing high levels of harvest for human consumptive use. Once identified, the Board needs to establish broad human use goals for these populations.

Under this new law, intensive management authorization can be triggered in one of two ways after the board formally identifies specific populations and areas and establishes broad human consumptive use goals. The first is if the board determines that an identified population is depleted or a reduction in its productivity has occurred which may result in a significant reduction in the allowable human harvest. If the board determines this to be the case and further determines that enhancement of the population is achievable using recognized and prudent management techniques, the board must adopt regulations authorizing such management to achieve human consumptive use goals of the board.

The second way that intensive management authorization can be triggered is if the board determines that restrictions are necessary to significantly reduce the taking of a previously

identified population. Before such restrictive harvest regulations can be adopted, the board must first either adopt, or schedule for adoption, regulations providing for intensive management of the population. This requirement does not apply in cases of biological emergency, or if the board determines that intensive management would be biologically ineffective, inappropriate due to land ownership or against the best interest of subsistence uses. Management would also have to be feasibly achievable as in the first case.

The legislature built many safeguards into the legislation so that intensive management programs would not be misapplied. The legislature did not intend for the board or department to conduct intensive management where efforts could not be justified. They certainly did not intend to mandate intensive management where it would not be effective or, worse yet, where it could be injurious biologically. Finally, while the legislation requires the board to authorize intensive management under certain circumstances, the law does not alter the traditional separation of powers between the board and the commissioner. In his capacity as chief executive of the department, the commissioner retains discretion over implementation of authorized intensive management programs.

The statute defined "identified big game prey population" as a population of ungulates that is identified by the Board of Game and that is important for providing high levels of harvest for human consumptive use. "Intensive management" is defined to mean management of an identified big game prey population to enhance, extend, and develop the population to maintain high levels or provide for higher levels of human harvest, including control of predation and prescribed or planned use of fire and other habitat improvement techniques.

The legislature did not define several other key phrases important to the implementation of SB 77. We believe that it would be of value for the board to discuss these terms as to how each should be interpreted and applied to implement this new statute. Such a discussion will provide valuable guidance to the department and public as we move forward to implement this law.

The most important terms we believe need to be discussed are:

1. high levels of harvest;
2. human consumptive use goals of the board;
3. significantly reduce the taking;
4. depletion of the big game prey population;
5. reduction of the productivity of the big game prey population; and
6. enhancement...is feasibly achievable utilizing recognized and prudent active management techniques

To initiate this discussion, I would like to provide the board with some background on the department's current thinking about these terms.

Gone to Canada

Feb. 10, 1995

To the editor:

Most of the Nelchina caribou have gone to Canada. According to local Native folklore they get better protection from wolves in Canada than from Juneau.

Sincerely,
Jim Frey Sr.
Gakona

Letters to the Editor

Small vertical text on the right margin, possibly a page number or reference.

FEB-21-95 TUE 10:44

FISH & GAME-McGRATH

FAX NO. 9075243323

P.01

FEB-21-95 WED 10:11 TCC RECEIVED SUBREGION

907 524 3000

P.01
HTBX-11

WALTER J. HICKEL, GOVERNOR

McGrath Native Village Council
DEPARTMENT OF FISH AND GAME

McGrath, Alaska 99627
 Phone: (907) 524-3824
 Fax: (907) 524-3899

P.O. BOX 230
 McGRATH, ALASKA 99627-0230

February 1, 1995

Dear Residents of Game Management Unit 19D:

We need to protect our moose population for our subsistence needs in all of our game units surrounding McGrath where we traditionally hunt for our food.

The McGrath Native Village Council is taking this initiative to voice our concerns to protect our fish and game habitat with good game management for our state, federal, and private lands.

We are encouraging all residents in the villages of the upper Kuskokwim and McGrath to respond to the Governor and to the 19th Legislature, on the decline of our moose population.

Our council will send a similar letter to each of the state legislatures, federal government officials, and the U.S. Congressional Delegation.

Thank You,

McGRATH NATIVE VILLAGE COUNCIL


 Peter Snow II
 First Chief

enclosure: 1

Re: HB 170, Written Citizen Testimony

Date: Feb.26, 1995

Submitted: For HB 170 Hearing, Monday, Feb. 27, 08:00

From: Arthur E. Greenwalt

2135 Yankovich Rd.

Fairbanks, Ak. 99709-6507

Msg. Phone: 479-0317

I would like to register my strong opposition to HB 170. It apparently derives from thinking based not on facts and sound management principles but rather a very skewed overbalancing towards special interests versus the general Alaskan population. Poorly designed, it contains an abundance of vaguities and ignores the technical and administrative realities of its stated goal.

1. Unrealistic Harvest Goal

In referring to "historic high levels" HB 170 utilizes figures of highly questionable accuracy and validity. Such high levels existed when counting techniques were rudimentary and significant predator control had been in effect for some time. The goal arising therefrom then creates a mandated allocation totally out of alignment with actual, present-day figures and population dynamics.

Further, this particular concept of "harvestable surplus" ignores the realities of a wide array of environmental factors. Obviously geared towards predator control as a prime means of attaining this goal, other factors such as disease, weather, and diet are ignored despite their considerable influence in survivorship amongst calves.

Too, the concept literally requires the Dept. of Fish and Game to manage game populations not as a system but as separated units, a scheme totally at odds with all sound management principles and experience. For instance, it will do little good to remove all predators if the cause of a game population decline is habitat loss. Indeed, most often this is a major factor in game populations and is poorly addressed within this bill.

2. Habitat Enhancement

Plainly speaking, there is no significant method to enhance caribou habitat other than to protect it from development. It cannot be burned in order to produce better grazing, for instance. Marginal moose habitat, if burned over, can sometimes enhance the forage available but is a process requiring years whereas this bill dictates immediate and annual high harvest levels.

This then leaves only predator control as Section 3, amended, would remove hunter control as a viable method. In effect, this bill serves not so much as a game enhancement bill but rather subtle legislation for further indefensible wolf population

reduction.

3. Reduction/Negation of Board of Game

The Board of Game, comprised of appointed citizens, becomes secondary in the process of game management in Alaska, through this bill. Primary policy and methodology comes not from the citizen-staffed BOG but rather through the Legislature making this open to considerable politicization and diminishing the input of not only the BOG but the ordinary citizen who, in testifying at BOG meetings, expects reasonable weight to be given their opinions.

Where the BOG findings and directions would conflict with this bill, should it become law, they would be forced to give way reducing considerably the flexibility present in the BOG to react to changing population dynamics. It takes far longer to amend or remove a law than it takes the BOG to respond to a situation. Thus, this bill would effectively negate BOG input.

As BOG input would have far less weight, even moreso would citizen input. The legislature cannot respond as quickly or precisely to regional needs as can the BOG. These needs as would be expressed by the citizens of each region, citizens familiar with the specific needs and factors of the area and its game, would fall prey to the more general terminology of the bill and its inability to address localized situations. Thus, this bill would effectively negate much citizen input.

Equally undesirable would be the micromanagement effect inherent in this legislation. Given the vagaries of political whim, the vulnerabilities of legislation and political influence, what might be the majority-supported concept in one legislative season could become the pariah of the next, once again resulting in extensive legislation and a further increase in the complexity of game management and its administration. Game management would cease to be the responsibility of an impartial and technically-knowledgeable Department of Fish and Game, becoming instead a political football for legislators seeking to inappropriately increase their influence.

4. Cost

By its very nature, the bill will require a considerable increase in cost to the Dept. of Fish and Game, and thereby a considerable cost to the Alaskan public. To determine present population levels accurately then to annually determine calving production figures, calf mortality figures, and sustainable harvest figures for all game populations throughout the state will represent a very significant increase in expense at a time when state revenues are decreasing and budgets are being cut severely. As an example, the cost for the 93-94 season alone for the wolf-control program in 20A exceeded \$229,000. That is for the control program only and does not include figures for harvest studies, studies which require considerable aircraft support.

Unless the Legislature would be willing to commit to annual increases in funding to the Dept. of Fish and Game, knowing full well costs are far more likely to increase due to economic factors, it would only force the department into either drastically curtailing other vital projects such as habitat enhancement when it is possible or using figures of

questionable accuracy due to inability to gather fresh data. The latter could easily lead not to an increase in harvestable game but an actual decrease.

5. Creation of Special Interest Groups

By directing the management principle to be one geared first and foremost towards game harvest this legislation ignores, contrary to the Alaska Constitution, the management of Alaska's resources for **all** its citizens. By giving special priority to harvest activities, sightseeing and tourism uses are rendered secondary. And those Alaskans deriving income and pleasure from those pursuits are relegated to a secondary status. This is all the more opprobrious given that hunters are not a majority segment of the population as declining license sales over the past few years indicates. Thus, this legislation creates a special interest group in contradiction to overall usage by all Alaskans.

6. Federal Game Management Role Increase

Finally, but by no means last, is the spectre of increased federal game management. Due to past legislation and the activities of particular legislators, Native groups around the state are petitioning the federal government for increased federal management of Alaska's fish and game, this management to extend to **future** land selections conveyed to the state. Reasons cited include (as expressed in a Feb. 20th article in the Fairbanks Daily News-Miner) "...the federal board seems more politically insulated and seems to have more sanity in its decisions." As evidenced by the very existence of HB 170, this statement is very demonstrable to all.

Additionally, Alaska is not insulated from the rest of the United States. Through economic and Congressional channels, the attitudes of citizens of the other states towards Alaska can often be felt. Alaska represents to a large majority of Americans the last wilderness. What has been lost throughout the contiguous states is still present in relatively untouched abundance in Alaska. It is a treasure to many. Should it be perceived as threatened by poorly-thought-out state legislation; should it become a valuable resource managed not by sound principles and professionals; should it be perceived as being used as a tool to enhance political careers, then the result would be a predictable and quite possibly successful federal intervention.

This is not merely conjecture. As evidenced above, it stands as a credible reality.

With this in mind, it becomes obvious the legislator voting in favor of this bill quite possibly brings the state of Alaska a step closer to seeing its fish and game managed by the federal government at some future point.

I would ask that reason and sanity be allowed to prevail, and this bill be rejected.

Thank you.





Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

HB 170: Intensive Game Management

HB 170 requires that the Board of Game "intensively manage" big game species in order to provide high game populations exclusively for human harvest. Intensive game management is the manipulation of an animal's environment to artificially increase its population. Intensive game management techniques include wolf control and deliberately setting fires.

The Alaska Environmental Lobby opposes HB 170.

* Intensive game management is costly. Because wolf control is so frequently linked to intensive management of game populations it is necessary to consider these costs in considering HB 170.

* Currently Fish and Game's wolf control program is being audited by the state. Any fiscal notes that accompany HB 170 may well show a only portion of the cost of this intensive management. There are vast discrepancies between the projected costs of the 1993-94 wolf control program and the actual payments made. The total expenditures charged to the 20A program for the 1993-94 season exceed \$229,000. The published/ authorization total for the 1993-94 wolf control program was set at \$100,000. That is an increase of over 100%.

* Harvest levels are in direct correlation to fluctuations in big game prey populations. These populations often fluctuate dramatically - this fluctuation is natural and dependent upon many factors; weather, food supply, bull/cow ratios, conception rates, calf condition, hunting pressure and predation, among others. Wolf, bear and other predators are a part of a healthy wildlife system. Predator control should only be discussed as an option when other pressures on game populations are also addressed. These pressures include habitat loss, recreational hunting and interference with migratory routes.

* When intensive game management is conducted, it is an attempt to manipulate this natural oscillation solely so more sport hunting permits may be issued. While sport hunting is a valid use of Alaska's resources; it is certainly not the only acceptable use. Currently the Board of Game is required to consider the interests of all user groups. HB 170 would mandate that the Board consider the interests of a single group: Big game hunters.

* The legislature is usurping the authority of the Board of Game by mandating policy. This diminishes the mission of the Board which is to provide a forum wherein different, often competing interests can debate issues and arrive at consensus. This process is the very soul of democracy and a vital element in keeping game policy just for all Alaskans.



ALASKA OUTDOOR COUNCIL, INC.

P. O. BOX 22394
JUNEAU, AK. 99802
(907) 463-3830

Mar. 2, 1995

The Honorable Pete Kelly
Alaska State House of Representatives
State Capitol, Room 513
Juneau, Ak. 99801

Dear Representative Kelly:

The Alaska Outdoor Council (AOC) has recently received the most current draft of HB 170 (Intensive Management) and is currently completing its review of this important piece of legislation.

Last year we strongly supported similar legislation for intensive management of wildlife resources (SB 77). We are in strong philosophical agreement with the basic tenets of that effort. We remain concerned about Alaska's ability to pursue active management of wildlife resources in areas of the State which have demonstrated importance to consumptive users.

Our initial review of HB 170 leads us to believe some of the proposed amendments may need some work or refinement. The AOC looks forward to continuing its participation with the Legislature in crafting legislation which will ensure viable strategies for intensive management of important wildlife populations.

Sincerely,

Eddie Grasser
Legislative Affairs

cc: Senator Bert Sharp
Members House Resources Committee
Members Senate Resources Committee
Frank Rue, Commissioner of ADF&G
Wayne Regelin, Acting Director, Div. of Wildlife Conservation

Mar. 5, 1995

To : House Resources Committee
Re: HB 170

I would like to register my strong opposition to passage of this bill.

In previous written testimony (FAXed Feb.27, 1995) I stated a number of reasons of an objective and factual nature, showing how poorly-designed is this bill. Even more, how it flies in the face of all expert opinion to further not a realistic management plan but a politically-advantageous one.

Subjectively, the bill has two major flaws.

First, it is the creation of politicians. Were it a bill whose origin was the expertise and experience of Dept. of Fish and Game staff, it would make a great deal more sense. Each year the state pays hundreds of thousands of dollars in salary to these professionals. To then turn about and pass a bill such as this against their strong opposition negates the sense of having a Fish and Game department at all. I seriously doubt Mr. Kelly has sufficient knowledge of game management or the cumulative years of experience represented by the staff in order to seriously think he knows what is better.

I would suggest, however, Mr. Kelly knows how to garner votes and sees this as an excellent opportunity. Though in the long run it could lead to serious imbalances requiring more monetary attention and effort by Fish and Game biologists to correct; though it could lead to greater restrictions on seasons and bag limits to correct these imbalances; though the department has voiced its professional opinion against the entire concept, Mr. Kelly sees this as a potential vote-getter and logic then goes out the door.

Second, it will surely increase the potential for federal involvement to a greater degree in our wildlife management. We lost management of marine mammals due to politicization of the issue. And now various Native groups within the state are petitioning not only for increased federal management at present but for federal management of wildlife on lands yet to be turned over to the state. It is precisely the sort of political meddling Mr. Kelly undertakes with this bill that has driven them to this response. And it is the same lack of realistic thinking so evident

in this bill that has strengthened them in their efforts.

In short, the legislator voting for this bill now will later be seen as the legislator who invited the federal government into Alaskan wildlife management on a greater scale.

Third, the bill panders to a definite special interest group. Last year, 95,000 Alaskan residents purchased hunting licenses. That is down from the previous year's 115,000 by a considerable percentage. And this decline has been taking place even further back. Yet, this bill does not serve even that entire group for in conversations with various friends who hunt I have noted a repugnance for this concept as expressed first by Mr. Sharp and now by Mr. Kelly. Thus, less than 1/6th of Alaska's residents will be served by this bill. Those who look up wildlife as having non-consumptive purposes will find their opinions discounted by Mr. Kelly and other supporters of this bill. In effect, they will not have "a say" in wildlife issues in Alaska for always this bill will serve to put first the consumptive interest.

In concluding, I would ask the committee to keep something in mind. Upon Mr. Sharp's (the politician with whom this basic concept began) wall are a few photos of wolf kills. He has not chosen to balance this with photos of the caribou slaughters during the late 60's and early 70's along the Taylor Highway. However, I was there and saw the results of putting the consumptive use ahead of all other considerations. Gut piles alongside the road, firing into herds, wounded caribou struggling off but not being tracked by their shooter as easier prey was close at hand, and generally a hellish scene which would rightfully turn the stomach of any decent hunter. At that time, a licensed hunter was allowed 3 caribou. And within a few years, the herd was no longer huntable. Splintering, alteration of migration, a decline in numbers...the short period of high use was followed by a much, much longer period of no use.

If Mr. Kelly cannot learn from the expert opinion of Fish and Game biologists, then I would hope this committee and the legislature as a whole would learn from simple experience.

Leave wildlife management to the professionals we the people of Alaska employ as our Dept. of Fish and Game, not to a few politicians who can see only as far as currying votes.

Thank you....

Arthur E. Greenwalt
2135 Yankovich Rd.
Fairbanks, Alaska 99709-6507
Msg. Ph.: 479-0317

HB

175

SPONSOR STATEMENT

CSHB 175 - "SPORT FISH GUIDE LICENSING"

FEBRUARY 21, 1996

The guided sportfishery is an important and rapidly growing industry in the Alaskan economy. The ability of the state to provide for the sustainable development and sound, sensible management of the resource is dependent upon the availability of complete information upon which to base decisions. The goal of HB 175 is to provide for the collection of this data.

There is an incredible lack of hard data available regarding the guided sportfishery in Alaska. In some parts of the state regulation requires vessels engaged in sportfish guiding to be registered. Registration of the guides themselves is required on a few rivers, but not everywhere. No uniform licensing procedure exists in Alaska. Thus, we do not have complete information about who is actively engaged in sportfish guiding, how many clients are served, what the catch rates are, and what rivers, streams, and marine waters are being utilized.

Without a means for gathering dependable information, it is impossible to monitor the activity or growth of the fisheries on a statewide basis. It is imperative for the state to have solid information to ensure the sustainable development of the industry and to ensure the sound

management of the fishery resources upon which the industry depends. It is time to acknowledge this important growing industry and make sure that management decisions can be based on complete information.

The bill establishes three options of guide licensure: (1) A sport fishing services operator license costs \$75 for sport fish guide business owners and is obtainable from the department. An Alaska business license and proof of insurance are the only requirements. (2) A fishing guide license costs \$25 for sport fish guides and will be readily available through ADFG's vendor licensing system. This is modeled after how commercial crew licenses are obtained. Requirements for the guide license include U.S. citizenship, a first aid/CPR card, 6-pack license and a current sport fishing license. (3) We have also provided a third alternative in response to earlier versions of HB 175 in which an individual could obtain both guide and operator licenses as one combined license for \$75 from the department to accommodate many small operators.

Each person who plans to engage in sportfish guiding, both on fresh and salt water, from a vessel or otherwise, will be required to purchase the license. The sportfish division of ADFG will develop reports which license holders will be required to submit. This will enable the state to build a data bank regarding the guided sportfishery.

The cost of guide licensing, data gathering and analysis will be funded by the revenues generated from the license fees. Therefore, this program will be fiscally self-sustaining.

This is a data gathering bill only. It does not impose any limitations on the number of guides or vessels in the state, or who can purchase the license to guide, nor does it affect their activities other than them having to report and carry the documentation on their persons.

This is a piece of forward looking legislation which 5, 10, and 20 years from now the charter industry and our states' resources will benefit as a result of it's passage.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 29, 1996

SUBJECT: Licensing of fishing services operators and fishing guides (Draft CSHB 175(FSH))

TO: Representative Alan Austerman
Attn: Amy Austerman

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum accompanies draft CSHB 175(FSH), relating to the licensing of fishing services operators and fishing guides. The bill consists largely of the proposals contained in the final report prepared by the Alaska Sport Fishing Guide/Charter/Outfitter Task Force.

The definitions of key terms in the bill need careful consideration.

The definitions of "fishing services" and "fishing guide services" contain significant ambiguities and are unclear as to what activities will require a person to obtain a fishing services operator license or a fishing guide license. For the most part the ambiguities arise out of the exceptions to the basic definitions of "fishing services" and "fishing guide services." For example, a fishing services operator is a person who provides employees to provide fishing guide services, offers outfitting services, and fishing club services to fishermen. However, most activities listed under the exceptions to the basic definition of "fishing services" include several activities that are not encompassed under the basic definition. The exceptions raise issues as to whether the additional activities (transportation, sale of gear, charter of vessels, etc.) listed there are encompassed under the basic definition.

The concepts behind the exceptions need to be fleshed out in order to be workable. Is it the intent of the proposal that a person does not need a license if he sells tackle in the field but will need a license if he sells tackle and cigarettes in the field? See, page 4, lines 23 - 24. Is it the intent that a person must have a license to sell a post card with a picture of a sport fisherman (because it is an item relating or pertaining to sport fishing) in the field? See, page 4, lines 21 - 22. Is it the intent to require a license to provide transportation to fishermen in the field? See, page 4, lines 16 - 18. Is it the intent to require a license if the agreement to rent a vessel is made in town, but not if the agreement is made in the field? See, page 4, lines 25 - 28. Etc. Similar issues arise with the definition of "fishing guide services."

Representative Alan Austerman

January 29, 1996

Page 2

Many of the issues raised by the exception to the basic definition of "fishing services" may be addressed in the definition of "outfitting."

The bill needs to be more specific about what it means by the state road system. because that term is so critical in defining what is in the "field." Does the state road system include the marine highway system? Are Bethel, Nome, Barrow, and Gustavus on the state road system, because they have state maintained roads? Does the state road system include trails? See the definitions of "highway" at AS 19.45.001 and AS 28.40.100.

If I may be of further assistance, please advise.

GU:pl

96-039.plm

RECEIVED
JAN 23 1996
Ans'd.....

January 17, 1995

Representative Alan Austerman
Alaska House of Representatives
Chair - Fisheries Committee
State Capitol
Juneau, AK 99801

Dear Alan,

As you are aware, the Alaska Board of Fisheries considered several proposals relating to the Alaskan guide/charter industry at its March 1995 meeting. Given the complexity of this issue, the Board opted to create a task force to make recommendations regarding the orderly development of the Alaskan guide/charter industry. The task force is composed of members of the Alaskan guide/charter industry and the public.

The task force met several times during the spring of 1995 and developed a mission statement and identified issues for consideration and review (refer to the attached mission statement). After much discussion, the group decided to focus their initial efforts towards developing a statewide licensing proposal for sport fishing guides, charters, and outfitters. The group met several times during the fall of 1995 to develop a draft licensing proposal. The draft proposal was mailed out to over 3,000 companies and guides who registered with the Alaska Department of Fish and Game as sport fishing guides and charters during 1995 soliciting their comments. In addition, a teleconference with your committee was held soliciting public opinion. The Task Force held another meeting in January 1996 to discuss the comments received. After considerable discussion, the draft proposal was amended to address several major concerns identified. The final licensing proposal of the Task Force is attached for your review and consideration as substitute language for HB 175. This final proposal received unanimous support of the Task Force.

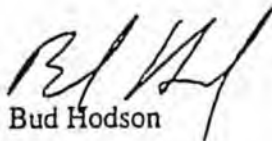
The Task Force believes that a comprehensive licensing system is needed to better define this diverse industry. The proposed licensing system provides needed definitions for companies and individuals who provide sport fishing guiding, chartering, and outfitting services. Through such definitions, it is hoped that the industry can be more fully identified and organized. It is also believed that the definitions will close loopholes in current definitions, thereby providing a level playing field for the industry and for better enforcement of regulations pertaining to sport fishing guides and charters. It is also hoped that comprehensive licensing will add stability to this economically important industry which supports many

jobs throughout Alaska. Insurance requirements for companies and safety requirements for guides are stipulated to assure that anglers utilizing this industry are protected and a professional level of service is maintained. The proposed license package also establishes fees and reporting requirements that provide the needed foundation to help management agencies build a reasonable and stable regulatory environment to assure for the long term health of both the industry and the resource it depends upon.

Please feel free to contact me if you have any questions. I will be glad to testify in front of your committee when the bill is introduced and/or discussed. I believe I can add significant background to the Task Force's recommendations and the extensive public process used to arrive at the proposed licensing system.

Again, thank you for your interest in helping this issue move forward.

Sincerely,



Bud Hodson

Chair, Sport Fishing Guide/Charter/Outfitter Task Force

cc: Sport Fishing Guide/Charter/Outfitter Task Force Members
Doug Vincent-Lang, Alaska Department of Fish and Game

ATTACHMENTS:

Sport Fishing Guide/Charter/Outfitter Task Force Mission Statement
Proposed Licensing Package

MISSION STATEMENT GUIDE/CHARTER TASK FORCE

April 14, 1995

The guide/charter industry is an important component of fisheries throughout Alaska, providing access to fishing opportunities throughout Alaska. At its March 1995 meeting, the Alaska Board of Fisheries considered proposals relating to the Alaskan guide/charter industry. Given the complexity of this issue, the Board created a task force to make recommendations regarding the orderly development of the Alaskan guide/charter industry. The task force is composed of members of the Alaskan guide/charter industry and the public.

The task force's mission is to evaluate and recommend regulatory and legislative options regarding the management and development of the Alaska guide/charter industry. The task force has identified the following issues for consideration and review:

1. *guide/charter definitions*
2. *requirements/standards*
3. *guide/charter restrictions*
4. *guide/charter reporting*
5. *statewide licensing*
6. *participation*

The task force will be scheduling meetings throughout Alaska to solicit public comment. The task force is scheduled to report back to the Board of Fisheries at its October 1995 meeting and to complete their recommendations for possible regulatory and statutory actions by the end of January 1996.

For further information, please contact Bud Hodson, Chairman Guide/Charter Task Force, at (907) 243-8450 or Doug Vincent-Lang of the Alaska Department of Fish and Game, Division of Sport Fish, at (907) 267-2218.

Task Force Members

Bud Hodson, chair
Tikchik Narrows Lodge
(907) 243-8450

Ken Dole
Waterfall Resort, Ketchikan
(907) 225-9461

Ken Parker
Juneau Charterboat Association
(907) 789-0702

Robert Ward
A-Ward Charters, Homer
(907) 235-7014

John Goodhand
Goodhand's Fishing Charter, Valdez
(907) 479-5562

Jeff King, vice chair
King's Budget Charters, Kenai
(907) 262-4564

Bruce Knowles
Big Fishermen Charters, Wasilla
(907) 745-4965

Pat Carter
Recreational angler, Anchorage
(907) 465-2647

Lynn Whitmore
Chairman, Homer Advisory Board
(907) 235-8551

SPORT FISHING GUIDE/CHARTER/OUTFITTER TASK FORCE

STATEWIDE LICENSING PROPOSAL FOR SPORT FISHING GUIDES, CHARTERS, AND OUTFITTERS

The Sport Fishing Guide/Charter/Outfitter Task Force (hereafter referred to as the Task Force) is recommending a two-tier licensing system for businesses and individuals who offer sport fishing guiding, chartering, and/or outfitting services. One tier would require the owners and operators of businesses who provide such services to acquire a ***SPORT FISHING SERVICES OPERATOR LICENSE***. This license would be administered through the State of Alaska, Department of Commerce and Economic Development, Division of Occupational Licensing. A second tier would require the individual guides who provide sport fishing guiding, chartering, and/or outfitting services in the field to acquire a ***SPORT FISH GUIDE LICENSE***. This license would be administered through the Alaska Department of Fish and Game through its existing license vendors program, much like a commercial fishing crewmen's license. Under this two-tiered system, licensed sport fish guides would have to work under/for a licensed operator. To reduce the impact on small operators, individuals who acquire a ***SPORT FISHING SERVICES OPERATOR LIENSE*** would automatically obtain a ***SPORT FISH GUIDE LICENSE***.

SPORT FISHING SERVICES OPERATOR LICENSE

A person or business may not provide sport fishing service operations without first obtaining a ***SPORT FISHING SERVICES OPERATOR LICENSE*** from the State of Alaska Department of Commerce and Economic Development, Division of Occupational Licensing. A ***SPORT FISHING SERVICE OPERATOR*** must meet the following requirements to be eligible for a license:

1. have a valid Alaska Business License and
2. show proof of a general liability insurance policy with an annual minimum aggregate coverage of \$300,000 for protection and indemnity.

A ***SPORT FISHING SERVICES OPERATOR*** must comply with reporting requirements which may be requested by the Department of Commerce and Economic Development and/or the Alaska Department of Fish and Game.

The fee for the ***SPORT FISHING SERVICES OPERATOR*** license will be set by the Alaska Department of Commerce and Economic Development to recover only the actual cost of issuing and administrating this licensing program.(Note: Based on discussions with the Department of Commerce it is estimates that the license fees will be between \$50 and \$75 per year.)

*(Note: A majority of the public comments received by the Task Force expressed serious concern about the number of licenses, permits, and registrations currently required by the various state and federal agencies to legally operate a sport fishing guide, charter, or outfitting service in Alaska. The Task Force members fully recognize this problem and suggest that means be found to reduce the load. One option is to combine the **SPORT FISHING SERVICES OPERATOR LICENSE** with the Alaska Business License requirement. Unfortunately, the Task Force did not have the time or expertise to fully explore this option. The Task Force would encourage the legislature to look for ways to promote and simplify current licensing programs, such as combining licenses where possible.)*

Definitions:

A **SPORT FISHING SERVICES OPERATOR** is any person or business who provides services for fishing under sport, personal use, subsistence regulations for compensation or with the intent or agreement to receive compensation for providing fishing guides, guiding, outfitting or fishing clubs. A **SPORT FISHING SERVICES OPERATOR** does not include:

1. A person or business providing only transportation to or from the field, if the person or business providing the transportation does not assist, direct, and/or accompany the person(s) in the taking or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations.
2. Selling, leasing, or renting goods that pertain to fishing, camping, or outfitting for sport, personal use, or subsistence fishing if the transaction does not take place in the field.
3. Selling tackle, bait, or fuel in the field as long as no other services are provided.
4. Renting vessels or skiffs in the field without an operator as long as no fishing equipment, gear, bait, tackle, or any other services are provided.

SPORT FISH GUIDE LICENSE

A natural person may not guide another person in the taking of or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations with out first obtaining a **SPORT FISH GUIDE LICENSE** from the Alaska Department of Fish and Game or hold a valid a **SPORT FISHING SERVICES OPERATOR LICENSE** from the Alaska Department of Commerce and Economic Development. A **SPORT FISH GUIDE** must meet the following requirements while guiding:

1. be a U.S. Citizen or U.S. National;
2. hold a valid first aid and cardiopulmonary resuscitation (CPR) certification cards issued by the American Red Cross, American Heart Association, or an equivalent organization;

3. hold any appropriate license(s) to meet U.S. Coast Guard vessel operators licensing requirements;
4. hold a current State of Alaska Sport Fishing License; and,
5. hold a current Sport Fishing Guide License or a Sport Fish Services Operator License.

While guiding, a *SPORT FISH GUIDE* must have in his/her possession: proof of valid and current first aid & CPR training, drivers license or pictured identification, appropriate license(s) that may be required by the U.S. Coast Guard, a valid State of Alaska sport fishing license, a copy of their current *SPORT FISH GUIDE LICENSE* and a copy of the *SPORT FISHING SERVICES OPERATOR LICENSE* of the company they are employed under or their *SPORT FISHING SERVICES OPERATOR LICENSE*.

A *SPORT FISH GUIDE* must work under the authority of a licensed *SPORT FISHING SERVICES OPERATOR*.

The *SPORT FISH GUIDE* license would be purchased through the existing fishing and hunting license vendor system. The license would cost \$25 for residents and \$75 for non-residents. This money would go to the Alaska Department of Fish and Game to help pay for the cost of gathering data on the industry.

A *SPORT FISH GUIDE* may not contract directly with a person for the service of providing sport fish guiding services or outfitting for compensation or the intent or agreement to receive compensation, without acquiring a *SPORT FISHING SERVICES OPERATOR LICENSE*.

Definitions:

SPORT FISH GUIDING means a natural person who assist another person who is providing compensation or with the intent or agreement to provide compensation to a *SPORT FISHING SERVICES OPERATOR* to take or attempt to take fish or shellfish under sport, personal use or subsistence fishing regulations by accompanying and or directing that person personally for the duration of or any portion of a fishing trip. *SPORT FISH GUIDING* does not include

1. providing transportation to or from the field, if the person providing the transportation does not assist, direct, and or accompanies persons in the taking of or attempting to take fish or shellfish;
2. selling, leasing or renting goods that pertain to fishing camping or outfitting for sport, personal use, or subsistence fishing if the transaction does not take place in the field;
3. renting vessels or skiffs without a operator, as long as no fishing equipment, gear bait, tackle or any other services are provided;

4. selling tackle, bait or fuel in the field as long as no other services are provided and that natural person selling tackle, bait or fuel does not accompany or direct another person in the taking of or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations; and,
5. helpers or assistants or deck hands on board a vessel who work directly under the supervision of and in the presence of a licensed *SPORT FISH GUIDE*.

OUTFITTING means the provision of services and equipment or other fish guiding services for sport, personal use or subsistence fishing in the field for compensation or with the intent or agreement to receive compensation.

FIELD means an area outside of established developments usually associated with a city or town and areas and waters not reasonably accessible by foot along the State of Alaska road system. Field does not include permanent hotels, bed & breakfast, or roadhouses on the state road system.

FISHING CLUBS means an organization that offers use of property, equipment or services to individuals who pay a fee for the privilege of using the property, equipment, or services for sport, personal use or subsistence fishing.

George Siavelis

P.O. Box 74
Aniak, Alaska 99557
(907) 675-4510

Siavelis



REGISTERED GUIDE • OUTFITTER

Oct. 30, 1995

Dear Doug,

I have received the proposals on the sport fishing guiding industry. I cannot afford to attend the up-coming meeting as there are so many meetings and other obligations at different dates when you're a big game hunting and fishing guide.

I am in agreement with the task force on most of these proposals I read. The only one I am concerned about is the minimum limit of insurance. I agree with the need for insurance, but if I am not mistaken the minimum needed for hunting guides is less than 500,000 per occurrence and 1,000,000 annual aggregate. I believe, unless there has been a change in the last couple of months that I'm unaware of, the minimum limit of liability insurance for big game hunting guides is 300,000 per occurrence or 500,000 annual aggregate. Many hunting guides transport their clients by boat and also usually find themselves in situations and areas that are every bit as potentially dangerous, often with no communication or transportation other than walking. So I don't believe fishing guides should have to carry insurance in excess of hunting guides and it will be an undue burden for the real small operators such as myself.

I hope that it is somehow possible for this to be considered by the task force. I thank you and the task force for your time and consideration.

Sincerely,

Talkeetna River Guides

Box 563 • Talkeetna, Alaska 99676 • (907) 733-2677



Sousa
R

Mr. Doug Vincent Lang
Div. of Sport Fish
333 Raspberry Rd.
Anchorage, AK 99518

Dear Mr. Vincent-Lang,

After reading the proposals I received in the mail dated November 1, 1987, regarding the Alaskan guide/charter industry, I cannot help but comment that I feel you left out one of the most important items in our industry "a **FLOTATION REQUIREMENT**" (and I am not just talking about a seat cushion).

If the Alaska Guide/Charter Task Force sees fit to require items such as CPR and first-aid cards of guides (which incidentally I think is a good idea) why have you skipped a flotation requirement. Flotation will not only exhibit professionalism on the part of the guides but perhaps it could influence independent river anglers into actually using flotation themselves. Someone dies on the Talkeetna River every year and it never ceases to amaze us here at Talkeetna River Guides that we are the only company in this area that requires use of flotation (as in the form of a float coat or vest) on every single person in one of our vessels. The writing is on the wall. The industry needs the encouragement of a regulation in order to be safe. Many more people die in this state because they are not wearing flotation than ever died of a heart attack with a guide not knowing CPR.

I would also like to comment on the future insurance requirements of the operator. A standard insurance policy for registered guides, sport fishing guides etc. has a general liability minimum coverage of \$300,000.00 per each occurrence limit and a general aggregate limit of \$600,000.00. I believe that small business' will be hurt if you go to a standard policy which has more coverage and is more in-tune with a large lodge outfit than a small sport fishing operation. You could probable do your homework and call Alaska Business Insurance and find out the normal policy that most of us already have.

Please take my two points into consideration. Otherwise, thank you for the attempt.

Sincerely,

Gerald Sousa, Registered Guide

A handwritten signature in cursive script that reads "Gerald Sousa". The signature is written in dark ink and is positioned above the typed name.

SEAL SOUND CHARTERS

P.O. BOX 422
CORDOVA, ALASKA 99574
907-424-5488

Steffen

Date 12/11/95

To: Alaska Guide/Charter Task Force
IN REGARD TO:
Written response to Teleconference held on 12/05/95

Task Force Members

My thoughts are as follows.

A mandatory licenseing for Guide/Charters operators is a good move in the right direction.

The two tier system is understandable, but an operators license should automatically make the holder a guide with out another license or fee.

Why should an operator or guide have a sport fishing license, when there is a law that prohibits an operator or guide to fish when clients are present?

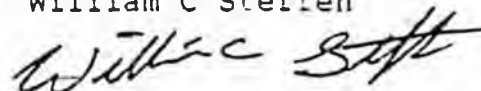
If records is made mandrory the records should be kept confidential and not available to the public, keep reporting forms simple.

How will this be enforced? It is ease to police the operators that comply, but what about the ones that don't register. State enforcement is already short funded and staffed. With out enforcement what good will this system do?

Proof of insurance should be enough, let insurance companys set the limits.

Thank you for your
Time and Consideration

William C Steffen



WILLIAM C. STEFFEN

Jon James Adventures
Ltd.

James

4

December 4, 1995

Mr. Doug Vincent-Lang
Alaska Dept. of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, AK 99518

FAX Transmittal to 267-2424; total of 1 page

RE: Statewide licensing proposal for sport fishing guides


Dear Mr. Vincent-Lang:

I think it is important to license the sport fishing guides in Alaska, and I support the proposals which the task force has developed.

My only concern is in any redundancy of permits. I am currently licensed on the Upper Kenai River, which already requires permits from three agencies--State Parks, National Forest Service, and Kenai National Wildlife Refuge. In regard to this, my suggestion would be for businesses already licensed on the Kenai to have automatic or reciprocal permits under the proposed statewide licensure program.

Thanks for addressing my concerns.

Sincerely,



Jon James, Owner
Jon James Adventures

ALL YEAR
200 W. 34TH AVE., STE 991
ANCHORAGE, ALASKA 99503
PHONE: (907) 344-3340
FAX: (907) 267-7610



SUMMER ONLY
P.O. Box 708
WHITTIER, ALASKA 99693
PHONE: (907) 472-2493
FAX: (907) 472-2491

Private, personalized charters in Prince William Sound from Whittier

CAPTAIN MARILYNN N. HEDDELL, OWNER
CAPTAIN G.P. (PETE) HEDDELL, AGENT

Douglas Vincent-Lange
Regional Management Biologist
Sportfish Division
333 Raspberry Rd.
Anchorage, Alaska 99518

November 29, 1995

Dear Sir,

By way of introduction, my wife Marilyn and I have operated a marine charter service from Whittier since 1988 specializing in the western half of Prince William Sound. In the past 7 years we have witnessed increased usage of the sound by recreational people and those involved in commercial operations. Unfortunately some of this usage has had an adverse impact in that there are too few facilities to accommodate the different users. An example is the area of Lake Bay on Esther Island. This area is home to a fish hatchery that supports the commercial salmon fishing. The near proximity to Whittier also brings the recreational users to this area to fish, boat and occasionally attempt to camp ashore. When the fish are running the air taxi operations from Anchorage also bring people to this area to fish from shore.

It has come to our attention that the proposal by Alaska State Parks to place a suitable dock in Lake Bay near the hatchery has been dropped from the Sport Fish Access Budget. We feel that it is a serious mistake to delete this project. We support the dock project because the dock would help direct people off the very small inadequate working dock at the hatchery. The project would provide much more fishing access for shore based anglers, and safe moorage for private boaters and cabin users.

Thank you for reconsidering this matter.

Sincerely yours,

Pete & Marilyn Heddell

Pete and Marilyn Heddell

CC: Andy Hoffman, Area Biologist, Prince William Sound
Wyn Menefee, Park Ranger 1

JUL 20, 1972

Doug Vincent-Lang.

Just a quick note regarding the proposed "Guide Licensing".

I'm a commercial Troller, longliner in Southeast Alaska
I am also making the transition into the Charter Industry in
preparation of the collapse of the Troll fishery.

The Charter Industry needs to be regulated and controlled!
The ever increasing numbers of operators, left unchecked, will
result in a situation similar to that of our past open-access
inhabited and blacked fisheries. We need to limit the number of
operators and guides before this trend becomes reality and conflict
begins. The time is now! Start the process and don't
wait for the problem to become so apparent it cannot be avoided
any longer.

I agree with Commercial Fisheries Entry Commission to
issue a gear-card for guides and operators. This system works
for preventing overcrowding and overfishing. Please help to
assure a place in our fisheries and avoid Alaskans from being
pushed out by outsiders and outside capital money interests.

Thank you.

Jim Betzner
HU Bold Venture
Alaskan Escapes

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

Fabry

Log Cabin Sports Rental, Inc. (Klawock Wilderness Adventures)

Box 54
Klawock, Alaska 99925
907-755-2205

December 95

Doug Vincent
Div. Sports Fish
333 Raspberry Rd.
Anchorage, Ak. 99512

Re: Fish Guide Charter

Dear Mr. Vincent:

There are three main issues I would like to see addressed by your office, and then the legislature. They are:

- 1. Limit the number of charter boats fishing in an area by considering the number of square miles of fishable waters, the number of commercial boats working it, and the run of fish to that area.

The Sitka, Ketchikan and Western Prince of Wales are swamped with too many charter boats. Yes, the fishing has improved since the early 70's, but that is due to regulation, not the lack of people fishing!

I have also counted up to 53 seiners just off Hoves two years ago, all fishing.

- 2. Place a much higher fee on charter and lodge outfits that reside out of state. Our current laws are exporting money from Alaska. Charter fishing is just under the construction trade in this funneling of money outside.

- 3. Beef up enforcement on the charter outfits. Hire summer extras to check bag limits. I've been charter fishing out of this location for 23 years and I've learned that many of the guides that don't own the boats and lodges often go overboard on catches. Large times are taken on what is boated and what is returned to the water.

If we as lodge owners, and you as enforcement, lose the resource, we will both be out of jobs. Thank you.

Sincerely,



Skip Fabry
Log Cabin Campgrounds, Resort, Boat Rentals, Charters, &
Rent A Cars, Sporting Goods Stores (I'd have a lot to
loose.)



Jeka

2915 W. 101st St. Evergreen Park, IL 60805 PH. 708.422.5352

November 30, 1995

ADF&G Division of Sport Fish
333 Raspberry Rd.
Anchorage, AK 99518-1599

Dear ADF&G Division of Sport Fish,

Welcome from (OESI) Outdoor Excursions & Supply, Inc. OESI is a newly formed travel brokerage service specializing in fishing and hunting trips. Aside from the travel brokerage services we also function as an outside travel agent service. We would like to get any information you might be able to supply regarding fishing and hunting resorts and services in all of the regions that you cover. Additionally, any information regarding fishing and hunting regulations and conditions in these regions would be helpful. Please let your outfitters and resorts know our service is available to them, if possible. Thank you in advance for your help.

Sincerely,

A handwritten signature in cursive script that reads "Gerald T. Jeka".

Gerald T. Jeka
President

Goodhand Charters

winter: P.O. 218, Ester, Alaska 99725 ph. 907-479-5562
summer: P.O. 970, Valdez, Alaska 99686 ph. 907-835-4333

FAX TRANSMITTAL

RE: Guide/Charter Task Force & HB 175 (1995)

TO: Bert Sharp,
Copies to all Interior Delegation & Gene Kubina

FAX: _____ PHONE: _____

FROM: John Goodhand, President: Halibut Charter Assoc. of Alaska
Board of Directors: Alaska Sportfishing Industry Assoc.
Member: Valdez Charter Boat Assoc.
Alaska Outdoor Council
Alaska Sportfishing Assoc.

PHONE: 907-479-5562 FAX: 907-479-0395 Fairbanks
PHONE: 907-835-4333 FAX: 907-835-4385 Valdez

DATE: 1/10/96

PAGES: LOTS and LOTS [including cover sheet]

COMMENTS: Of the 39 "guides" in the Interior, and the 41 charters (1/2 are Fairbanks residents) in Valdez, I have yet to find anybody who likes this, or 1995's HB 175. While the idea of "ethics" and safety are a concern of all, how to get there is hard. Please call me to go over this any time, or any sportfish issue. These letters are, for the most part, very impressive and with 89% against, well, this speaks for itself. Please keep in mind, these are mostly letters from small business owners, a rare and endangered Alaskan and American species, who have a right to be in business no matter their net worth. You need to read these letters, they're good!!

Thank You, John Goodhand

COMMISSIONERS
RICHARD J. BEAMISH
VANANCO B.C.
WALFING HOARD
SEATTLE WA
KARIS NORCOST
PETERSBURG AK
STEFEN PENNOYER
JUNEAU AK
ALLAN T. SHEPPARD
POUNCE ROBERT B.C.
BRANDYAN CORP
KETCHIKAN B.C.

INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A TREATY BETWEEN THE
UNITED STATES OF AMERICA

DIRECTOR
DONALD A. MCCAUGHNAN

PO BOX 35000
SEATTLE WA 98145-0000

TELEPHONE
(206) 634-1838

FAX
(206) 632-2983

February 15, 1995

State Representative Allan Austerman
Chairman of House Special Committee on Fisheries
Capital Building 434
Juneau, Alaska 99801

Dear Representative Austerman:

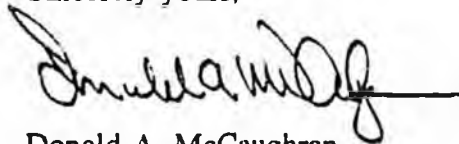
The International Pacific Halibut Commission (IPHC) would like you to know we strongly support the passage of House Bill No. 175, dealing with sport catch reporting by sport fishing guides.

As you are probably aware, IPHC is charged by treaty between the United States and Canada to manage the halibut resource for both countries. In order to perform this function it is necessary to have accurate removal information from all sources. Sport catch in Alaska amounts to 17% of the sport/commercial removals.

The Alaska Department of Fish and Game provides the Commission with sport catch statistics each year; we view this bill as providing ADF&G with the necessary tools to obtain accurate halibut sport catch information.

Thank you for your consideration.

Sincerely yours,



Donald A. McCaughnan
Director

DAM:ps

RECEIVED

FEB 20 1995

Ans'd.....

ALT

**NORTHERN ALASKA FISHERIES SERVICE
KENNETH T. ALT
P.O. BOX 10104
FAIRBANKS, ALASKA 99710
907-457-4124**

Doug Vincent-Lang
ADF&G Sport Fish
333 Raspberry Rd.
Anchorage AK 99518

5 December 1995

RE: ALASKA GUIDE/CHARTER TASK FORCE

Dear Doug,

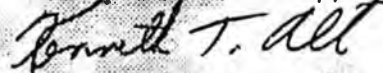
The sport fish guide/operator licensing proposal seems to me to be an attempt by the larger entrenched operators to restrict access to new operators and make it more difficult for small operators to stay in business. Please note that most members of the task force are larger operators. Since the proposal indicates that this is only the starting point, can you imagine all the red tape an operator-guide will be confronted with in future years. The yearly licence costs including state, federal, and native will make it difficult for small operators to stay in business.

I choose to take out only two to three groups of fishermen per year. I book my clients, then I buy liability insurance. Under the proposed scenario I would probably be forced to cease operations.

I feel the present situation of guides registering with the Sport Fish Division, then taking the responsibility of attaining other permits and insurance is adequate. If you want us to provide information on harvest and effort-just ask for it.

I suggest the entire proposal be scrapped, especially north of the Alaska Range.

Thank you for the opportunity to comment on this proposal.



Kenneth T. Alt
Owner/Guide

Gehring ✓



P.O. Box 240126
Douglas, Alaska 99824
Phone & Fax 907-364-3341
Computer: Seawind AK@AOL.COM

12-5-95

Mr. Doug Vincent-Lang
Alaska Department of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, AK 99518

Dear Mr. Lang,

This is in regards to the proposal to create two "additional" licenses for chartering in Alaska.

I'm sorry, but I read the Mission Statement several times and I honestly cannot find a "mission". One sentence contains the words "orderly development of the Alaskan guide/charter industry". In my opinion the tools are already in place for the development of the Alaskan guide/charter industry.

Our business is primarily a sightseeing service in SE Alaska, but we do allow the guests to spend part of the cruise fishing if they desire. If we receive an inquiry from a group that just wants to fish all day we refer the call or letter to another company in Juneau that provides that type of service. Because we occasionally fish, this proposal would require that I obtain two additional licenses.

Each year I purchase/provide the following licenses and reports:

- We purchase a commercial vessel license that identifies my vessel as a "charter" vessel.
- We purchase a business license
- We register with the Department of Fish and Game as a charter vessel
- We purchase a sport fishing license
- We purchase a King Salmon stamp
- We pay a permit fee to the US Forest Service and report to them how many times we allowed our guests to walk on their beaches to stretch their legs

5/1/96

- We pay a permit fee to the National Park Service for four entries into Glacier Bay and report activities annually
- We register annually with the International Pacific Halibut Commission
- We keep current other certificates that are required such as operators license, drug test, radio license, first aid CPR card, insurance (including additional cost for insurance required by the Forest Service and National Park Service)

I'm sure I left something out, but if its required, we have it.

If this proposal becomes law I will have to purchase and maintain two more additional licenses and in addition a "operator" would be required to "comply with the reporting requirements which may be requested by the Department of Commerce and Economic Development or the Alaska Department of fish and Game". I'm also afraid that the "or" in the last sentence will be changed to "and".

The fee for the Operators License would cover the cost to administer and issue the licenses, and the guiding License would help pay for the cost of gathering data on the industry. The data bases are already in place, i.e. F & G charter registration, commercial vessel license, business license, why do we need two more.

I like to keep things simple, here are my suggestions. If additional information is needed or would be helpful to the industry, modify the existng data bases. The form that I use to register as a charter vessel asks many questions, ask more. The commercial vessel license has one category for this service, "Charter". Perhaps more categories could be added such as "Charter, Fishing", "Charter, Sightseeing", and "Charter, Sightseeing and Fishing". The business license application form could also be modified to include these same categories as sic codes.

I may be alone but I don't favor the proposal to create two additional licenses. But, if it becomes law, I will add the licenses to my list of licenses / permits to renew each year.

I don't mean to create work for the Task Force, however many of us in this business would like to see someone come up with a way to make the charter vessels and so called "bare boats" from the lower 48 comply with Alaska's present rules and regulations. Actually, forget I mention this, because Alaska has the rules, we just don't have the people to enforce the rules because of budget cuts.

Thank you for sending me the proposal and ability to comment.

Sincerely,


Ken & Barb Gehring

Hayes ✓

RON HAYES'

ALASKA RAINBOW LODGE

P.O. Box 39

King Salmon, Alaska 99613

1-800-451-6198



Mr. Doug Vincent-Lang
 ADFG
 Division of Sport Fish
 333 Raspberry Road
 Anchorage, Alaska 99518

December 5, 1995

Dear Mr. Vincent-Lang:

I just received your mailing with notification of a public meeting on December 6th. The mailpiece is postmarked December 2nd from King Salmon, forwarded on to me in Texas at my winter address. Hardly enough time to prepare comments. I personally will not be able to attend this public meeting. I am submitting comments regarding the Alaska Guide/Charter task force licensing proposal.

I would like to add these proposals as a requirement to receiving a license:

- A. Every operator who hires employees obtain Workman Compensation Insurance.
- B. Every operator who hires employees do so as employees and not as contract labor.

My suggestion (A.) would close loopholes of unscrupulous employers not paying workman compensation insurance on employees who work in Alaska. Since you are already suggesting a requirement of general liability insurance, and the State of Alaska does require this insurance on any employee, this should not be a problem to include Workman Compensation insurance proof.

My suggestion (B.) is qualified by the guidelines stipulated by federal law regarding who an employee is. I've found several operators who claim their employees are contract labor, but truth be known, they are really employees. This poses a problem to us legal operators. The regulation I propose would create a more level playing field in the sport fish operator business regarding fees charged for sport fishing trips. Some lodges are contracting all their employees (probably not legally), but many are doing it, saving them at least 20% of their gross payroll. Payroll is the major expense in operating a guiding operation. This saves these operators 20% by not paying workman compensation insurance fees and standard payroll deductions, allowing these same lodges to operate for less money, and operate in a manner unsafe to employees. This stipulation would not allow employers/operators to avoid paying federal social security, Medicare and withholding income tax.

I would also like to make a comment concerning what a sport fish guide must have in his possession. You list that the guide must carry a first aid card, a CPR card, guide registration form, drivers license and the appropriate license that may be required by the US coast guard and a valid State of Alaska sport fish license. You're talking a passel of paper here. Many of our guides only carry their fishing license with them in their fly vest pocket. Rather than require them to carry all

Mr. Doug Vincent-Lang--ADFG

this paper, why not stipulate that they must meet these requirements, and that the operator who hires them have this paperwork on file. If there is an incident out in the field, the guides name and employer name would be taken, and the employer contacted and asked to provide the paperwork. My guides complained last season about the size of the registration form, and I believe they have a valid point.

I understand the need for some type of regulation of the sport fish guiding business, since it grows every year. I do have a problem with another agency to deal with. We already file paperwork with six different agencies in order to receive permits for the various state and federal park usage. Most of these agencies require the same things you're listing here. What I can't determine is what is to be gained by obtaining a sport fish operators license. You mention that the license would promote public safety. In what way? The fees would be based on administering and issuing the license, and to help pay the cost of gathering data on the industry. What data, and what use would it be put to? Who would enforce the license requirement? It appears to me that enforcement is the problem most of the agencies have right now. Paperwork and fees paid are the only result I've seen.

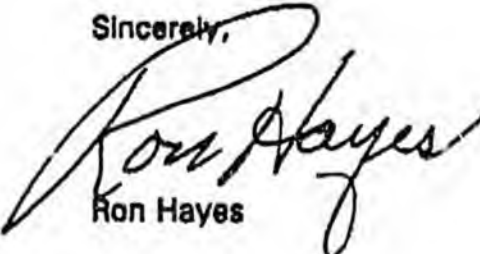
Ours is a seasonal business. We have new employees every year. If we have to let someone go after a few weeks and hire a replacement right away, how quickly would this system of licensing this new employee work? We're out in the bush, mail only goes out once per week. How would this be handled?

You mention in the task force proposal that you didn't want to create a paperwork nightmare. My question is why create this licensing at all? It seems repetitive to what we're already doing. If you're not going to regulate competency, then what is the reasoning behind this licensing besides more paperwork and fees, more administrative work with no mention of benefits or enforcement.

Please take these comments into consideration. If you have a program defined that shows how this new requirement would benefit operators and their guides, I would like to see it. My winter address is:

PO Box 10459
Fort Worth, TX 76114-0459

Sincerely,



Ron Hayes

Dear Mr. D. Vincent - Lang

These are my group's concerns
reference the Alaska Guide/Charter
Task Force.

1. Why is sport fish handling
a commercial enterprise?

We are guide and charter people
and we do it for the money
not the sport.

2. The state wide licensing proposal
will benefit the large operators
but will impose extra cost and
expense to our small operators
putting us out of business or
to employees states working
for some large operator.

3. The licensing of a corporation
to do business in a state

reference made our group extremely
upset. The licensing of a corporation
must be stopped right now. That
is a lawyer play to hide tax
money, limit liability, not
be responsible to the state of Alaska
for over harvest of fish or or