

-DRAFT 03/12/2016-

A State of Alaska, Big Game Commercial Services Board, Industry Outreach Letter

The Big Game Commercial Services Board (BGCSB) is contacting you as a member of Alaska's bush transportation industry.

The board has recognized that there are several misconceptions in this industry as it applies to the carriage of big game hunters. It is the desire of the BGCSB, through this letter, to shed light on many of these misconceptions in an effort to bring the industry into compliance with state statutes and regulations.

Alaska Statutes, Chapter 54 (AS 08.54.591 – AS 08.54.790) has tasked the BGCSB with regulating the carriage for compensation of big game hunters, their equipment or big game animals harvested by hunters, to, from or in the field. The "field" means an area outside of established year round dwellings, businesses or other developments associated with a city, town or Village; "field" does not include permanent hotels or roadhouses on the state road system or state or federally maintained airports. YOU ARE REQUIRED to have a TRANSPORTER LICENSE If your business provides transportation to big game hunters to, from or in the field with one exception.

The only exception to this requirement is provided to an air taxi operator or air carrier who does not charge more than their usual tariff or charter rate for the carriage of hunters, their equipment or animals harvested by hunters; or advertise transportation services or big game hunting services to the public.

There are no exceptions to the transporter license requirements for other forms of transportation including boats, ATVs, horses and etc.

The authority for this information are Alaska Statutes 08.54.790 (7) and (12) which are included in this letter's supplement.

Air Taxi Operators and Air Carriers Without a Transporter License

The BGCSB and members of the public have identified several air taxis who are advertising hunting transportation to destinations in the field in violation of AS 08.54.790 (12). This violation is punishable by ??????????

Please review your advertising information such as your signage, brochure, web site and ads placed in other print or electronic media. Also consider the advertising materials of any travel agents or booking agents who market your services.

Please remove any advertising references to big game "hunting", "hunts" or "hunters". Please remove any photographs of big game hunters with the animals, horns or antlers they have taken. Please discontinue accepting reservations from travel or booking agents whose advertising includes these same features.

The BGCSB and the Alaska State Troopers continue to monitor hunt related advertising and may prosecute you if you begin or continue to violate the law. It's in everyone's best interest to be compliant and so, we thank you in advance for your cooperation.

Businesses That Use Boat, ATV, Horse or Other Types of Transport in the Field

You are required to have a transporter license if your business provides transportation for compensation of big game hunters, their equipment or big game animals harvested by hunters, to, from or in the field.

You can apply for a transporter license by contacting:

The Big Game Commercial Services Board

P.O. Box 110806

Juneau, AK 99811-0806

Main Phone: (907) 465-2550 FAX: (907) 465-2974

If you are already licensed, please review your business practices to insure you are in compliance with the transporter contract and transporter activity report requirements of your license. Failure to complete these forms is a violation that may result in fines and sanctions against your license.

These requirements are explained in 12 AAC 75.400 TRANSPORTER ACTIVITY REPORT and 12 AAC 75.450 TRANSPORTER CONTRACTOR REQUIREMENTS which are included in this letter's supplement.

Air Taxi Operators and Air Carriers With a Transporter License

The BGCSB is concerned that many transporters may not be completing their required contracts and reports. Please review your business practices to insure you are in compliance with the transporter contract and transporter activity report requirements of your license. Failure to complete these forms is a violation that may result in fines and sanctions against your license.

These requirements are explained in 12 AAC 75.400 TRANSPORTER ACTIVITY REPORT and 12 AAC 75.450 TRANSPORTER CONTRACTOR REQUIREMENTS which are included in this letter's supplement.

The BGCSB would like to thank you for reading this letter and for your efforts to remain, or become, compliant with state law as it pertains to hunting transportation.

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State of Alaska, Big Game Commercial Services Board

Kelly Vrem, Chair

Supplement

08.54.790. DEFINITIONS. (7) "field" means an area outside of established year-round dwellings, businesses, or other developments associated with a city, town, or village; "field" does not include permanent hotels or roadhouses on the state road system or state or federally maintained airports.

08.54.790. DEFINITIONS. (12) "transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

(A) on nonstop flights between airports listed in the Alaska supplement to the Airmen's Guide published by the Federal Aviation Administration; or

(B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its business; in this subparagraph, "incidental" means transportation provided to a big game hunter by an air taxi operator or air carrier who does not

- (i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or
- (ii) advertise transportation services or big game hunting services to the public; in this sub-subparagraph, “advertise” means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services.

12 AAC 75.400. TRANSPORTER ACTIVITY REPORT

- (a) Each transporter activity report required by AS 08.54.650 must be on a form provided by the department, titled Transporter Activity Report, dated October 2012, and adopted by reference. This form is established by the board for review of the information required by AS 08.54.650.
- (b) On the day a client is transported, a transporter shall complete or have completed the portions of the transporter activity report that are required to be completed at that time.
- (c) Immediately after transporting the client out of the field, the transporter shall complete the applicable remaining portions of the transporter activity report.
- (d) The transporter shall make the transporter activity report available for inspection upon request by an agent of the board or department or any state or federal enforcement agent authorized to enforce guiding, game, or game management statutes or regulations.

Editor's note: Copies of the Transporter Activity Report, adopted by reference in 12 AAC 75.400, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Big Game Commercial Services Board, 333 Willoughby Avenue, Juneau, AK 99801; telephone: (907) 465-2543, website:

<http://commerce.alaska.gov/occ/pgui.htm>.

12 AAC 75.450. TRANSPORTER CONTRACT REQUIREMENTS

- (a) A transporter or a registered guide-outfitter contracting solely to provide transportation services shall deliver a written contract to the client
 - (1) within 90 days after receipt of a deposit, and before transportation services are provided; or
 - (2) as soon as possible, and before transportation services are provided, if a deposit is received less than 90 days before transportation services are to be provided.
- (b) A written contract to provide transportation services must
 - (1) include the name, license number, and signature of the transporter or guide-outfitter, and must include the name of the transporter's or guide-outfitter's business if it is different from the name of the individual transporter or guide-outfitter;
 - (2) include the name and signature of the client;
 - (3) list each big game animal to be hunted;
 - (4) state the cost, payment schedule, and specific weight limitation, if any;
 - (5) set out the deposit refund or transfer policy upon cancellation;
 - (6) state that services are for transportation only;
 - (7) state that guide services are not provided;
 - (8) state that the client is responsible for salvage of the meat during the hunt;
 - (9) state that the client is responsible for salvage of the meat after the hunt unless the meat is legally transferred to a third party;

- (10) identify the methods of communication with the transporter during the time clients are in the field, such as use of a satellite phone, VHF radio, overflight, or signal device;
- (11) state who is responsible for the cost of extra trips to transport meat if necessary;
- (12) include the following statement: “A licensed transporter may provide transportation services with accommodations only at a permanent lodge, house, or cabin owned by the transporter or on a boat with permanent living quarters located on salt water. A licensed transporter may not accompany or remain in the field with a big game hunter who is a client of the transporter except as necessary to perform transportation services”; and
- (13) include the following statement: “A licensed transporter may not provide vehicles, fuel, camping, hunting, or game processing equipment, or any hunting services such as skinning, caping, or cleaning of game, glassing, and packing in the field, including from a permanent structure or on a boat on salt water.”
- (c) A transporter shall retain a copy of the contract for at least four years.

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