

## **Frequently Asked Big Game Transportation Questions**

### **As an air taxi who is not a licensed big game transporter:**

**1. Can I fly, for compensation, big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field?**

- a. **Yes**, AS 08.54.790(12) allows you to fly big game hunters as long as you do 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 subsubparagraph, “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.

OR

- b. **Yes**, 49 USCS 41713. “Preemption of authority over prices, routes, and service” supersedes Alaska law and allows for carriage of hunters by a part 135 air taxi as long as this carriage is not marketed as a hunt or hunting service and there is no special tariff or charter rate.

**2. Can I advertise air transportation for big game hunters if I do not 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?**

- a. **No**, AS 08.54.790(12) prohibits you from advertising to big game hunters regardless of the tariff or charter rate.

**3. Can I advertise air transportation for hunters if I do not refer to “big game” or any species that are defined as big game in Alaska?**

- a. **Yes**, Chapter 54, Big Game Guides and Related Occupations, (AS 08.54.591 – AS 08.54.790) has no jurisdiction over hunting or hunters other than in big game applications.

OR

- b. **No**, In a majority/unanimous opinion, the Big Game Commercial Services Board, at its meeting of 5/5/5555, found that the words “hunt”, “hunting” and “hunters “ imply a big game service when used in advertising for an Alaskan hunt.

OR

- c. **No**, the use of hunt or hunting as stand-alone words in advertising implies big-game. If specified “duck hunting” or “squirrel hunting” etc. then it is an unregulated activity and is allowed in un-licensed advertising.

**4. Can I advertise air transportation at The Great Alaska Sportsman’s Show if I don’t refer to hunting?**

- a. **No**, in AS 08.54.790(12) “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.

The Great Alaska Sportsman’s Show clearly contains and promotes elements of the hunting “trade”.

Advertising at a boat show, commercial fishing show or other show, without elements of the hunting trade, would be allowed.

**\*\*\*DRAFT 03/12/2016\*\*\***

**As an air taxi who is a licensed big game transporter:**

**1. Do I need to complete a transporter contract and a transporter activity report if I exercise my advertising privilege as a licensed transporter, but I do not charge more than the usual tariff or charter rate for the carriage of big game hunters?**

- a. **Yes**, AS 08.54.790(12) allows no exemption from transporter contract or reporting requirements for licensed business or individuals who advertise transportation services or big game hunting services to the public, regardless of the tariff or charter rate.

OR

- b. **No**, 49 USCS 41713. “Preemption of authority over prices, routes, and service” supersedes Alaska law and allows for carriage of anyone by a part 135 air taxi as long as there is no special tariff or charter rate.

OR

- c. ????

**2. Do I need to complete a transporter contract and a transporter activity report when I fly a hunter to a licensed guide camp or to another licensed transporter’s lodge or boat?**

- a. **Yes**, AS 08.54.680(c), 12 AAC 75.400 and 12 AAC 75.450 combine to require a transporter contract and a transporter activity report whenever flying a hunter to, from, or in the field. There are currently no regulatory exceptions to contract or report requirements for multiple service providers on a single hunt.

OR

- b. **No**, in a majority/unanimous opinion, the Big Game Commercial Services Board, at its meeting of 5/5/5555, found that multiple contracts and reports, on a single hunt, result in the doubling regulatory fees to a hunter and provide inaccurate, double harvest and public use information to regulators. Therefore, it is implied that only the primary, end service provider is required to fill out a contract and report when there are multiple service providers on a single hunt.

**3. Do I need to complete a transporter contract and a transporter activity report each time I fly a hunter to, from or in the field?**

- a. **Yes**, AS 08.54.680(c), 12 AAC 75.400 and 12 AAC 75.450 combine to require a transporter contract and a transporter activity report whenever flying a hunter to, from, or in the field. There are currently no regulatory exceptions to contract or report requirements for licensed transporters who advertise transportation services or big game hunting services to the public; or charge hunters more than their usual tariff or charter rate.  
“Once a transporter, always a transporter”.

OR

- b. **No**, you may operate as an air taxi without transporter contracting or reporting requirement if:
- (i) a customer contacts you outside of any hunt marketing event or environment and;
  - (ii) requests air transportation, from a point, to a point of the customer's own choosing, un-influenced by your advice on when, where or how to hunt and;
  - (iii) you do not charge this customer more than your usual tariff or charter rate.
- “Sometimes a transporter, sometimes an air taxi”.

OR

- c. **No**, 49 USCS 41713. “Preemption of authority over prices, routes, and service” supersedes Alaska law and allows for carriage of hunters by a part 135 air taxi as long as this carriage is not marketed as a hunt or hunting service and there is no special tariff or charter rate.

**4. Is every pilot of an Air Taxi/Transporter required to have the Transporter license?**

- a. **No**, 12 AAC 75.145 allows that a transporter license can be held by a person, a partnership or a corporation. The name of one individual who is responsible for managing the transporter's business activities must be identified. There are no restrictions on employees of the person, partnership or corporation from providing transportation services on their employer's behalf.

## **Transportation Services – AS 08.54.790(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 big game hunters 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 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.

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