

February 19, 2013

House Committee on Agriculture and Natural Resources  
The Honorable Brad Witt, Chair  
The Honorable Sal Equivel, Vice-Chair  
The Honorable Caddy McKeown, Vice-Chair

RE: Testimony on House Bill 2039

Dear Committee Chair, Vice Chairs and Members,

My name is Gary Early, I grew up in Crescent City, CA, and moved to Oregon in 1990. I have been a licensed guide in Oregon and California since 1978 and licensed in Alaska since 1986. I was appointed to the Guide Advisory Committee to deal with reciprocity in the 90's and again in 2010 when the GAC was invoked to deal with pertinent issues relating to licensing. My wife and I have a guide and outfitting business in the Brookings area and fish several rivers along the border area ,as well as rivers inland, we also fish rivers in the northern part of the State of California and have a business in Alaska on the Kenai River.

Like many other guides I got into this profession because of my love of fishing and being outdoors. For a long time I thought the guide industry was too loose and non-professional. It seems to have its share of "bad eggs" which gives the industry, in the public's eye, a bad reputation. Personally, I feel there has to be a way to "legitimize" this profession for the good of the public and the profession. Being in the GAC we have worked hard to represent varying positions within the State while providing a higher standard for guides, their ethics and their safety concern for the public they service. To accomplish this we have come up with a plan to help with enforcement through slightly higher fees, many of which are still significantly lower than other neighboring states, and we have tried to close some loopholes that allowed guides with multiple violations and complaints to be held accountable.

Many people don't realize what a problem illegal guiding is along the border areas. It's so easy for a CA registered guide to jump across the border, school his clients that they aren't "really paying", and fish the Chetco, Rogue, Elk or Sixes when those rivers are more productive. One case in point happened 2 years ago when such an event took place. The guide, licensed in CA, brought his clients to the Chetco, not terribly familiar with the river, and followed other boats down the river, hooked a fish and didn't pay

enough attention to a danger spot in the river, subsequently dumping the boat and all the passengers. 3 of the 4 people, guide included, made it to shore but the 4<sup>th</sup> person hung precariously to a "strainer" in the middle of the river. Another guide close by rescued that person, while other guides contacted 911 to get help. The boat sunk. Nothing could be done because no money had changed hands – yet. This is a common scenario in my area and added fees for both residents and non-residents could help law enforcement to target some of this activity.

Another way to raise the bar and provide the public with a safer industry is to require all licensed guides, running a motorized vessel, to have a USCG license. The public safety benefit of this would be the flexibility of operators to move on and off of federally navigable waterways, and the drug testing requirement would prevent operators who lose their CG license to drug violations from moving to inland waters. The GAC considered an internal, non-federal program similar to the US Coast Guard License, but ultimately chose this path because it was an existing program with no added cost or complexity to the agency and thus would allow the fees to be focused on law enforcement.

In 1986, I was required by the state of Alaska to have a coast guard license to take people on the river for hire. Technically I should have had one already – I was running big power boats, for hire, on federally navigable rivers and oceans. And to my surprise, it wasn't that hard to get! I went through the proper channels, did the background check, enrolled in sea school and with my experience ended up with an ocean operator's license. Yes, I had to fill out paperwork. I had to pee in a cup. I had to study and know the laws but with that procedure I realized that my responsibility to keeping the public safe, as well as my clients in my boat, put me at a greater risk around other guides who didn't have the proper licensing. We are providing a service but also setting an example for other boats on the water, and knowledge of the rules and regulations governing our waterways is essential for the public safety and the enjoyment of all. To help with compliance and education of those still needing USCG licenses, this program would be phased in over 5 years. Coast guard licenses are good for 5 years and testing is only done once as long as the required time of the water is met at renewal time. Random drug testing programs range from \$50 – 100 per year depending on the consortium. All the costs of drug testing are paid by the enrolled program.

Lastly, I want to ask for your support on the tightening of rules that prevent violating guides to move to the Charter program, and visa versa, when they lose their licenses. The majority of the "6-pack" guides focus their efforts on the rivers. If you operate a

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larger boat, for more than 6 people, then you are running an inspected vessel and are in the ocean running charters. You should be part of the Charter boat program. Passing this would help to close loopholes that allow violators to jump to the other program and continue to operate.

Several private boaters in my region, as well as clients are in support of this bill. The fishing public, in general, are in support of something that will help to hold guides to a higher standard. They are aghast at the unprofessional behavior many guides display and are frustrated with the lack of any real consequences when they do complain. Guides need to be held accountable for ethical behavior and model good boating skills while providing a safe, public service. I urge you to pass this bill in its entirety.

Thank you.