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# InFO

Information for Operators

InFO 24002

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*An InFO contains valuable information for operators that should help them meet certain administrative, regulatory, or operational requirements, with relatively low urgency or impact on safety. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*

**Subject:** Alaska Guide Pilots.

**Purpose:** This InFO provides information to operators and pilots engaged in Alaska Guide Pilot operations by discussing the statutory authorization provided in Section 732 of Public Law 106-181 for operations conducted under Title 14 of the Code of Federal Regulations (14 CFR) Part 91 and the limitations of that authorization. This InFO provides information on how to comply with regulatory requirements and on compliance with certain regulations that apply to operations for compensation or hire.

**Background:** Historically, enforcement policy in Alaska considered flights made by pilots and guides as incidental to their underlying hunting, guiding, or fishing business, where lodging was also provided. In 1998, the FAA issued a notice explaining that Alaska Guide Pilot operations would, in general, require the appropriate commercial certifications for operations under 14 CFR part 121 or part 135.<sup>1</sup> In response to this notice and resulting litigation, on April 5th, 2000, Congress passed section 732 of the “Wendell H. Ford Aviation Investment and Reform Act for the 21st Century” (the Act), which provides, with several limitations discussed below, that “flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.”<sup>2</sup> Section 732 also required the FAA to conduct rulemaking to establish special rules for Alaska Guide pilot operations, but this rulemaking mandate was subsequently removed by section 218(h) of the FAA Reauthorization Act of 2024.<sup>3</sup>

**Discussion:** Section 732(b) of the Act, as amended, defines the term “Alaska Guide Pilot” and sets forth the criteria to qualify to conduct flight operations under part 91 general operating and flight rules. An operator who meets the statutory criteria must comply with all applicable rules under parts 91 and 61, including those regulations that apply to operations for “compensation” or “hire.”

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<sup>1</sup> See *Compliance with Parts 119, 121, and 135 by Alaskan Hunt and Fish Guides Who Transport Persons by Air for Compensation or Hire*, 63 FR 4 (Jan. 2, 1998).

<sup>2</sup> Pub. L. 106-181, 114 Stat. 168 (Apr. 5, 2000).

<sup>3</sup> Pub. L. 118-63, 138 Stat. 1056 (May 16, 2024).

a. Criteria to Qualify as an “Alaska Guide Pilot”

Specifically, a pilot, or a lodge or guide using a pilot, may operate under the exception from part 135 as an Alaska Guide Pilot flight operation only if the pilot meets all the criteria specified below:

1. Flights are conducted in fixed-wing aircraft;
2. Flights are conducted in single-engine aircraft;
3. Flights occur entirely within the State of Alaska;
4. Flight operations are incidental to providing guide services (see (b), below, for further information); and
5. The pilot, guide, or lodge provides accommodations in the form of camps or lodges related to the guide services provided. Related accommodations in the form of camps or lodges may, but are not required to, include overnight stays.

Congress provided no exceptions and no discretion to expand Alaska Guide Pilot operations. Operations that do not qualify as Alaska Guide Pilot operations include, but are not limited to:

1. Operations conducted in rotorcraft.
2. Operations conducted in multi-engine aircraft.
3. Operations where any portion of a flight is not entirely within the State of Alaska.
4. Operations where the services do not include both guide services in the field and related accommodations in the form of camps or lodges, such as an operation which is only transportation for self-guided clients, or an operation with a camp or lodge located in a populated area unrelated to the hunting, fishing, or guide operation.
5. Operations not incidental to providing those guide services, such as conducting flightseeing (air tours).

b. Requirement for Flight Operations to be Incidental to Guide Services

The transportation by air of clients by an Alaska Guide Pilot must be incidental to hunting, fishing, or other guide services, as follows:

1. If the lodge or guide provides the aircraft and provides guide services in the field, the flight operation can generally be conducted by the lodge or guide under part 91 rules. The pilot, whether an employee of the lodge or guide or a contracted pilot, is not required to provide guide services in the field so long as the lodge or guide provides the guide services.
2. If a pilot is hired by a lodge or guide and the pilot provides the aircraft, then the pilot would be considered the operator. A pilot who leases their aircraft to a lodge or guide service which then operates that aircraft would still be considered the operator. Also, a pilot leasing aircraft to the lodge and then being hired to fly it on behalf of the lodge would be considered subterfuge of the Act if the pilot does not provide guide services in the field. For the flight operation to be considered incidental to the provision of guide services under section 732(b) of the Act, the pilot must also be providing guide services in the field. If the pilot does not provide field guide services, the pilot would not fall within the exception and would be considered in the business of transportation by air, which would require operations under part 135.

c. Part 91 and Part 61 Regulations Applicable to Operations for Compensation or Hire

1. Section 732(a) of the Act provides that flight operations conducted by Alaska Guide Pilots shall be regulated under the general operating and flight rules contained in part 91. These rules include the part 91 regulations that apply to operations for “compensation” or “hire.” Alaska Guide Pilot operations—when they involve transportation by air of passengers for payment, separately billed or otherwise—are “compensation” or “hire” operations for purposes of part 91, even though, by the terms of the Act, they are not regulated under part 135.<sup>4</sup> Nothing in Sec. 732 of the Act renders these part 91 “compensation” or “hire” regulations inapplicable to Alaska Guide Pilots. Further, nothing in the Act alters or supersedes the pilot certification regulations in 14 CFR part 61 involving “compensation” or “hire.”
2. Accordingly, due to the commercial nature of the carriage of persons and property by aircraft for compensation or hire, an Alaska Guide Pilot operation must continue to meet all regulatory requirements in parts 91 and 61 that apply to operations or operating aircraft for “compensation” or “hire.” Notably, an Alaska Guide Pilot operation would not, in general, meet the conditions of § 61.113(b)<sup>5</sup> and the pilot of such operation would therefore be required to hold a commercial pilot certificate and a second class medical certificate.<sup>6</sup> Similarly, an aircraft used in an Alaskan Guide Pilot operation to transport lodge clients for hire would need to be inspected in accordance with the 100-hour requirement in § 91.409(b).

**Recommended Action:** Operators and pilot(s) in command (PIC) should evaluate their operations considering the statutory and regulatory framework outlined above. Operators and pilots are encouraged to familiarize themselves with the regulatory requirements of Parts 61, 119, and 135 to ensure compliance.

**Contact:** Direct questions or comments regarding this InFO to the Air Transportation Division’s 135 Flight Operations Section, at [9-AFS-200-Correspondence@faa.gov](mailto:9-AFS-200-Correspondence@faa.gov).

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<sup>4</sup> The FAA has historically construed operation for “compensation or hire” broadly. See, e.g., the Legal Interpretation to Joseph A. Kirwan from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (May 27, 2005).

<sup>5</sup> Section 61.113(b) provides that a private pilot may act as PIC for compensation or hire in connection with any business or employment if (i) the flight is only incidental to that business or employment; and (ii) the aircraft does not carry passengers or property for compensation or hire. Section 61.1(b) defines a passenger as “any person on board an aircraft other than a crewmember, FAA personnel, manufacturer personnel required for type certification, or a person receiving or providing flight training, checking, or testing as authorized by part 61.” Alaska guide participants would be considered passengers under the definition in § 61.1 because they typically would not meet any of the listed exceptions.

<sup>6</sup> See § 61.23 Medical certificates: Requirement and duration, and § 61.133, Commercial pilot privileges and limitations.