

Original sponsor(s): Rules Committee by Request

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 448 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permits,
7 the Big Game Commercial Services Board, guide-out-
8 fitters, transporters and air carriers, and providers
9 of other big game commercial services, and commercial
10 use permits; and providing for an effective date."

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

12 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

13 (1) unregulated access to game management units by guide-out-
14 fitters

15 (A) can potentially harm the state's valuable big game
16 resources by allowing overharvest of big game species or populations
17 that have a low recovery capacity or that exist in low abundance; and

18 (B) has hindered management of hunters guide-outfitted by
19 guide-outfitters, led to conflicts among guide-outfitters, and de-
20 creased the quality of the hunting experience for clients of guide-
21 outfitters and other hunters;

22 (2) an economically viable guide-outfitter industry can offer a
23 quality hunting experience to hunters from throughout the world who seek a
24 unique opportunity to pursue and take trophy big game animals in the state
25 and can contribute significantly to the state's economy by increasing
26 tourism and supporting a variety of businesses associated with the guide-
27 outfitter industry;

28 (3) the guide-outfitter industry provides an opportunity for
29 enhancing the state's economy, particularly the underdeveloped economies of

1 the rural regions of the state;

2 (4) intense competition exists for big game in many parts of the
3 state and the allocation of access to big game hunting opportunities among
4 guide-outfitters will prevent overharvest of big game in those areas and
5 will provide continued open access to the big game resource by all users;

6 (5) a resource-based management system for allocating access to
7 big game hunting opportunities among guide-outfitters will alleviate con-
8 flicts among guide-outfitters, will provide an effective basis for regulat-
9 ing guide-outfitters, and will enhance conservation and management of big
10 game;

11 (6) a long-term interest in the conservation of wildlife encour-
12 ages sound management practices among users of wildlife and fosters a
13 mutually beneficial relationship between wildlife and the users of wildlife
14 because the user understands that the user's own future well-being is
15 dependent upon wise use of the resource in the present.

16 (b) The purpose of this Act is to

17 (1) establish a resource-based system of allocating access to
18 big game hunting opportunities among guide-outfitters that is fully con-
19 sistent with common use principles of the Constitution of the State of
20 Alaska; and

21 (2) support the conservation and management of the state's
22 wildlife, provide economic and noneconomic benefits to the state and to the
23 citizens of the state, and generate revenue for the state from the wise use
24 of wildlife for commercial purposes.

25 (c) This Act does not affect the existing rights and privileges of
26 subsistence and resident sport hunters to take game in the state.

27 * Sec. 2. AS 08.54 is amended by adding new sections to read:

28 **ARTICLE 5. GUIDE-OUTFITTER USE AREAS.**

29 **Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall**

1 establish guide-outfitter use areas throughout the state. The board
2 shall consider the recommendations of the Department of Fish and Game
3 in identifying the boundaries of the use areas. The board shall adopt
4 the recommendations of the Department of Fish and Game for each use
5 area unless the board obtains a finding from the Department of Fish
6 and Game that an amended use area boundary as proposed by the board
7 will not adversely affect wildlife conservation and management.

8 (b) The board may amend the boundaries of use areas adopted
9 under (a) of this section if

10 (1) the Department of Fish and Game finds that the proposed
11 amendment will not adversely affect wildlife conservation and manage-
12 ment; and

13 (2) the board notifies all guide-outfitters who hold use
14 area permits for the affected use areas of the proposed amendment and
15 provides those guide-outfitters with an opportunity to comment on the
16 proposed amendment.

17 (c) AS 08.54.620 - 08.54.690 do not apply within an area or to
18 the activities of a guide-outfitter within an area of the state that
19 is not included within the boundary of a guide-outfitter use area
20 adopted by the board.

21 Sec. 08.54.620. OFFERINGS OF GUIDE-OUTFITTER USE AREAS. (a)
22 The board shall annually offer available use areas to qualified guide-
23 outfitters. The board shall stagger the offering of use areas.

24 (b) The board may request recommendations from the public for
25 use areas to be offered at the next offering of use areas.

26 (c) The board shall decide whether a use area will be offered
27 for sole or joint use before offering the use area. In making its
28 decision, the board shall consider for each use area

29 (1) information provided by the Department of Fish and Game

1 on the status of big game populations, historical harvests of big
2 game, and uses of wildlife in the use area;

3 (2) information gathered from previous use by guide-outfit-
4 ters that would facilitate big game management and planning;

5 (3) requirements for economically viable guide-outfitter
6 operations;

7 (4) the number of economically viable guide-outfitter
8 operations that the use area could support;

9 (5) the effect of guide-outfitting activities on resident
10 hunters; and

11 (6) other relevant factors, including land ownership con-
12 cerns, land management concerns, and law enforcement concerns.

13 (d) Use areas for which use area permits have expired, been
14 relinquished by the permittee, automatically revoked under AS 08.54.-
15 660, or revoked by the board may be offered by the board at the next
16 offering of use areas.

17 (e) The notice of the offering of use areas must include for
18 each use area

19 (1) the location and a brief description of the use area;

20 (2) whether the use area is available for sole or joint
21 use.

22 Sec. 08.54.630. GUIDE-OUTFITTER USE AREA PERMIT; REGISTRATION
23 PERMIT. (a) A guide-outfitter use area permit or registration permit
24 authorizes a guide-outfitter to guide-outfit hunts in the use area for
25 those big game species specified by the permit and may limit the
26 number of clients that may be guide-outfitted in the use area each
27 year.

28 (b) A sole use area permit grants to the permittee the sole
29 privilege to guide-outfit hunts for all big game species that occur

1 within the use area. A joint use area permit grants to the permittee
2 the privilege to guide-outfit hunts in the use area for the big game
3 species specified in the permit; however, all joint use area permits
4 for a use area, when considered together, must grant privileges to
5 guide-outfit hunts for all big game species that occur within the use
6 area.

7 (c) A use area that is not awarded to a guide-outfitter under
8 AS 08.54.650 is open to use by guide-outfitters who are certified to
9 guide-outfit hunts in the game management unit in which the use area
10 is located and who obtain a registration permit for the use area. The
11 board may establish the number of registration permits that will be
12 issued for each use area. Registration permits are valid for the
13 calendar year in which they are issued. A registration permit must
14 specify the big game species for which hunts may be guide-outfitted
15 under the authority of the permit.

16 (d) A guide-outfitter may not guide-outfit a hunt for a big game
17 species in a use area, unless the guide-outfitter has a use area
18 permit or registration permit that entitles the guide-outfitter to
19 guide-outfit hunts for that species in that use area.

20 (e) A guide-outfitter shall physically participate in field
21 operations while guide-outfitted hunts are conducted under the author-
22 ity of a use area permit or registration permit held by the guide-
23 outfitter.

24 Sec. 08.54.640. APPLICATION FOR A GUIDE-OUTFITTER USE AREA
25 PERMIT. (a) A guide-outfitter who is licensed under AS 08.54.350 and
26 is certified by the board to guide-outfit hunts in the game management
27 unit in which the use area is located may apply for a guide-outfitter
28 use area permit.

29 (b) A guide-outfitter shall submit a separate application for

1 each use area permit sought. The application shall be made on a form
2 provided by the board and shall be accompanied by the application fee
3 and a proposed operations plan for the conduct of guide-outfitted
4 hunts under the use area permit, including locations of base camps,
5 the number of clients, and the big game species to be hunted.

6 (c) The department shall set the application fee for a guide-
7 outfitter use area permit under AS 08.01.065.

8 Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA
9 PERMIT. (a) The board shall adopt procedures for evaluating the
10 qualifications of applicants for guide-outfitter use area permits.
11 The procedures must appropriately balance the criteria included under
12 (b) of this section to ensure that new guide-outfitter licensees under
13 this chapter are not unfairly disadvantaged or denied an opportunity
14 to obtain a use area permit in those game management units for which
15 the licensee is certified by the board.

16 (b) The board shall evaluate each application and determine
17 whether the applicant is qualified for a guide-outfitter use area per-
18 mit under criteria adopted by the board, including

19 (1) the applicant's ability and means to provide the type
20 and quality of guide-outfitting services proposed by the applicant, as
21 demonstrated by the applicant's proposed operations plan;

22 (2) whether the applicant has proposed a guide-outfitting
23 operation in the use area that is economically feasible given the
24 economic resources of the applicant;

25 (3) the applicant's history of safety in guide-outfitting
26 hunts or demonstrated ability to guide-outfit hunts safely;

27 (4) the applicant's history of compliance with state and
28 federal fish and game and guide-outfitting statutes and regulations;

29 (5) the applicant's experience in or knowledge of the use

1 area;

2 (6) the applicant's history of compliance with AS 08.54.-
3 520(a) in regard to prior authorization to enter or remain on state,
4 federal, or private land;

5 (7) whether the applicant has obtained those prior autho-
6 rizations to guide-outfit hunts on state, federal, or private land in
7 the use area from the significant or major landowners in the use area
8 or has demonstrated the ability to acquire those authorizations;

9 (8) whether the applicant holds all permits and licenses
10 necessary to guide-outfit hunts in the use area or has demonstrated
11 the ability to obtain the necessary permits and licenses.

12 (c) If the board determines that more applicants are qualified
13 to receive a use area permit for a use area than there are use area
14 permits available, then the board shall reevaluate the applications of
15 the qualified applicants and, with or without requesting additional
16 documentation, shall select the best qualified applicants to receive
17 the available permits. The board may request the qualified applicants
18 to appear before the board to discuss the applicant's application in
19 regard to the criteria in (b) of this section.

20 (d) The board shall award a use area permit only to a qualified
21 applicant.

22 (e) If a successful applicant does not provide, at the time the
23 board awards the use area permit, proof of the permits and licenses
24 necessary to guide-outfit hunts in the use area or the authorizations
25 to guide-outfit hunts on state, federal, or private land in the use
26 area from the significant or major landowners in the use area, the
27 board shall issue a conditional use area permit that is valid for 120
28 days. A conditional use area permit does not entitle the permittee to
29 guide-outfit hunts within the use area. If the successful applicant

1 provides proof satisfactory to the board within 120 days after issu-
2 ance of the conditional use area permit that the applicant has re-
3 ceived the necessary permits and licenses and land use authorizations,
4 the applicant shall be awarded a use area permit. If the successful
5 applicant does not provide the required proof within 120 days after
6 issuance of the conditional use area permit, the conditional use area
7 permit is void. If a conditional use area permit is voided under this
8 subsection, the board shall offer the use area permit to the next best
9 qualified applicant for the use area.

10 Sec. 08.54.660. TERM AND SUSPENSION OR REVOCATION OF GUIDE-
11 OUTFITTER USE AREA PERMIT; OPERATIONS PLAN. (a) The board shall
12 grant guide-outfitter use area permits for a term not to exceed 10
13 years, unless the board determines, after consultation with the De-
14 partment of Fish and Game, that a longer term will further promote the
15 wildlife conservation and management objectives of the use areas. The
16 term of a use area permit may not in any instance exceed 15 years.

17 (b) The board may after a hearing suspend or revoke a use area
18 permit for

19 (1) violation of the conditions of the use area permit;

20 (2) failure to exercise the privileges conferred by the use
21 area permit for one year;

22 (3) a significant unauthorized deviation, as defined by the
23 board, from an operations plan;

24 (4) fraud in applying for a use area permit or assignment
25 of a use area permit; or

26 (5) other good cause, as defined by the board.

27 (c) The board may suspend or revoke a use area permit upon
28 conviction of the permittee of an unlawful act under AS 08.54.520.

29 (d) A use area permit is revoked automatically upon revocation

1 of the permittee's guide-outfitter license. A use area permit is
2 suspended automatically upon suspension of the permittee's guide-
3 outfitter license.

4 (e) If the license of a guide-outfitter is summarily suspended
5 under AS 08.01.075(c), the use area permits held by the guide-out-
6 fitter are suspended automatically until after the final disposition
7 of the disciplinary proceeding by the board.

8 (f) A hearing to suspend or revoke a use area permit may be
9 combined with a disciplinary proceeding under AS 08.01.075 or AS 08.-
10 54.500 involving the use area permittee.

11 (g) A use area permit may be revoked or the terms of the use
12 area permit or an operations plan may be altered by the board for
13 wildlife conservation and management considerations.

14 (h) A use area permittee shall submit an amended operations plan
15 if the permittee intends to vary the permittee's guide-outfitting
16 operation from that stated in the plan. An amended operations plan is
17 not effective until approved by the board. A permittee may not con-
18 duct a guide-outfitting operation outside of the terms of an approved
19 operations plan.

20 Sec. 08.54.670. ASSIGNMENT OF GUIDE-OUTFITTER USE AREA PERMIT.

21 (a) Except as provided in this section, a use area permit may not be
22 sold, leased, or otherwise assigned.

23 (b) A use area permit may be assigned by the board under regu-
24 lations of the board if the assignment is

25 (1) consistent with the purposes of AS 08.54.610 - 08.-
26 54.690;

27 (2) not for consideration to the former permittee;

28 (3) to a guide-outfitter qualified to receive the use area
29 permit; and

1 (4) due to the death or disability of the former permittee
2 or for other good cause, as defined by the board.

3 (c) An assigned use area permit is valid only for the period for
4 which the use area permit was originally issued.

5 (d) If proceedings in which a guide-outfitter license may be
6 revoked or suspended under this chapter are pending against a guide-
7 outfitter, the guide-outfitter's use area permits may not be assigned
8 unless allowed for good cause by the board. During the period for
9 which a guide-outfitter's license is suspended under this chapter, use
10 area permits held by the guide-outfitter may not be assigned.

11 (e) If proceedings in which a guide-outfitter use area permit
12 may be revoked or suspended under AS 08.54.660 are pending against a
13 guide-outfitter, the use area permits that are the subject of the
14 pending proceedings may not be assigned. During the period for which
15 a use area permit is suspended under AS 08.54.660, the use area permit
16 may not be assigned.

17 Sec. 08.54.680. INFORMATION ON GUIDE-OUTFITTER USE AREAS AND
18 COMMERCIAL USE PERMITTEES. (a) The board shall maintain and publish
19 on a regular basis a comprehensive list of all unawarded guide-out-
20 fitter use areas that are open to application for use by qualified
21 guide-outfitters.

22 (b) The board shall maintain a centralized information center
23 where information on guide-outfitter use areas and all commercial use
24 permittees can be readily obtained by guide-outfitters, government
25 agencies, and the public.

26 Sec. 08.54.690. DEFINITIONS. In AS 08.54.610 - 08.54.690

27 (1) "joint use" means the utilization of a guide-outfitter
28 use area by more than one use area permittee;

29 (2) "sole use" means the utilization of a guide-outfitter

1 use area by one use area permittee.

2 * Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

3 (11) certify guide-outfitters to conduct guide-outfitting
4 activities within a game management unit;

5 (12) establish by regulation a system of guide-outfitter use
6 areas for allocating access to big game hunting opportunities among
7 guide-outfitters.

8 * Sec. 4. AS 08.54.350(a) is amended to read:

9 (a) A natural person is entitled to a guide-outfitter license if
10 the person

11 (1) is 21 years of age or older;

12 (2) has practical field experience in the handling of
13 firearms, hunting, judging trophies, field preparation of meat and
14 trophies, first aid, photography, and related guide-outfitting activi-
15 ties;

16 (3) is familiar with the terrain and transportation prob-
17 lems in the game management unit for which the license is requested;

18 (4) has passed the qualification examinations prepared and
19 administered by the board;

20 (5) has demonstrated to the board sufficient standards of
21 competence and ethical conduct and has not been convicted of a state
22 or federal hunting or guide-outfitting statute or regulation within
23 the last five years for which the person was fined more than \$500 or
24 imprisoned for more than five days;

25 (6) has legally hunted in the state for part of each of any
26 five years in a manner directly contributing to the person's experi-
27 ence and competency as a guide-outfitter;

28 (7) has been licensed as and performed the services of a
29 class-A assistant guide-outfitter or assistant guide-outfitter in the

1 state for a part of each of three years, or has guide-outfitted in the
2 state for a part of each of three years under a marine mammal guide-
3 outfitter license issued under AS 08.54.360;

4 (8) has demonstrated a current knowledge of fishing, hunt-
5 ing, and guide-outfitting regulations;

6 (9) is capable of performing the essential duties associ-
7 ated with guide-outfitting;

8 (10) has been favorably recommended in writing by six big
9 game hunters, two for each year of the person's most recent three
10 years as a class-A assistant guide-outfitter or assistant guide-
11 outfitter, when the person has guide-outfitted or assisted in guide-
12 outfitting as a class-A assistant guide-outfitter or assistant guide-
13 outfitter, whose recommendations have been solicited by the board from
14 a list provided by the applicant;

15 (11) possesses a business license to provide guide-outfit-
16 ting services; and

17 (12) has paid the license fee and has applied for a commer-
18 cial use permit [FEE].

19 * Sec. 5. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.355. GAME MANAGEMENT UNIT CERTIFICATION. (a) The
21 board shall certify guide-outfitters licensed under AS 08.54.350 to
22 guide-outfit hunts within a game management unit.

23 (b) A guide-outfitter may not guide-outfit hunts in a game
24 management unit unless the guide-outfitter is certified by the board
25 to guide-outfit hunts in the game management unit.

26 (c) The board shall allow a guide-outfitter to prequalify for
27 certification for each game management unit in which the guide-out-
28 fitter is competent to guide-outfit hunts. The board shall allow a
29 guide-outfitter to transfer a certification between game management

1 units.

2 * Sec. 6. AS 08.54.360(a) is amended to read:

3 (a) The board may issue a marine mammal guide-outfitter license
4 to a natural person who applies to guide-outfit a hunt for a specific
5 species of marine mammal in a specifically designated area if the
6 person

7 (1) is 21 years of age or older;

8 (2) has, for at least 10 years, resided and hunted in the
9 area of the state in which the applicant is to guide-outfit;

10 (3) is able to perform the duties of a marine mammal guide-
11 outfitter;

12 (4) has demonstrated knowledge of the following areas to an
13 extent and degree satisfactory to the board:

14 (A) current fish and game laws and regulations;

15 (B) relevant characteristics of the specific species
16 to be hunted;

17 (C) field preparation of trophies;

18 (D) care of game meat;

19 (E) use of guide-outfitting gear;

20 (F) firearm safety;

21 (G) practical first aid; and

22 (H) booking and contracting hunts;

23 (5) has not been convicted of violating a state or federal
24 game or guide-outfitting statute or regulation during the previous
25 five years for which the person was fined more than \$500 or imprisoned
26 for more than five days;

27 (6) possesses a business license to provide guide-outfit-
28 ting services; and

29 (7) has paid the license fee and has applied for a

1 commercial use permit [FEE].

2 * Sec. 7. AS 08.54.370(a) is amended to read:

3 (a) An applicant for renewal of a guide-outfitter license or a
4 marine mammal guide-outfitter license shall submit with the applica-
5 tion for renewal

6 (1) the hunt record required under AS 08.54.550 for the
7 period covered by the current license;

8 (2) the license fee for the next licensing period; [AND]

9 (3) the commercial use permit fee for the [NEXT LICENSING]
10 period covered by the current permit; and

11 (4) an amended guide-outfitter use area operations plan, if
12 appropriate.

13 * Sec. 8. AS 08.54.400(a) is amended to read:

14 (a) A person is entitled to a transporter license if the person

15 (1) applies on a form provided by the department;

16 (2) pays the license fee;

17 (3) applies for a [PAYS THE] commercial use permit [FEE];

18 (4) provides proof of

19 (A) an air taxi/commercial operator certificate issued
20 by the Federal Aviation Administration under 14 C.F.R. Part 135,
21 if the person provides air transportation services to big game
22 hunters;

23 (B) licensure by the Coast Guard to carry passengers
24 for hire, if the person provides water transportation services to
25 big game hunters and if licensure is required by the Coast Guard;
26 and

27 (5) has a business license to transport big game hunters.

28 * Sec. 9. AS 08.54.400(c) is amended to read:

29 (c) An applicant for renewal of a transporter license shall

1 submit with the application for renewal

2 (1) an activity report on a form provided by the department
3 for the period covered by the current license; an activity report
4 shall contain information required by the board by regulation;

5 (2) the license fee for the next licensing period;

6 (3) the commercial use permit fee for the [NEXT LICENSING]
7 period covered by the current permit; and

8 (4) proof of

9 (A) an air taxi/commercial operator certificate issued
10 by the Federal Aviation Administration under 14 C.F.R. Part 135,
11 if the applicant provides air transportation services to big game
12 hunters;

13 (B) licensure by the Coast Guard to carry passengers
14 for hire, if the applicant provides water transportation services
15 to big game hunters and if licensure is required by the Coast
16 Guard.

17 * Sec. 10. AS 08.54.460(a) is amended to read:

18 (a) A person, other than a guide-outfitter, marine mammal guide-
19 outfitter, or a transporter, who provides other big game commercial
20 services for compensation shall register with the board on a form
21 provided by the board and shall obtain a commercial use permit and pay
22 the annual commercial use permit fee set by the department in consul-
23 tation with the board [UNDER AS 08.54.470]. In this section, "other
24 big game commercial services" includes provision of accommodations in
25 the field at a permanent lodge, house, or cabin owned by the commer-
26 cial use permit holder, hunt broker services, gear rental services,
27 photographic or videographic services, and services as defined by the
28 board by regulation.

29 * Sec. 11. AS 08.54.470(a) is amended to read:

1 (a) A person who is licensed under this chapter as a guide-
2 outfitter, marine mammal guide-outfitter, or transporter shall obtain
3 an annual commercial use permit. The [AND PAY AN] annual commercial
4 use permit fee shall be paid as set out in this section.

5 * Sec. 12. AS 08.54.470(b) is repealed and reenacted to read:

6 (b) The commercial use permit fee shall be set by the depart-
7 ment, in consultation with the board,

8 (1) for transporters on the basis of a progressive fee in
9 proportion to the number of big game hunters transported by the trans-
10 porter during the period for which the permit was issued;

11 (2) for guide-outfitters and marine mammal guide-outfit-
12 ters, at not less than the following amounts based on the number of
13 clients guide-outfitted by the guide-outfitter or marine mammal guide-
14 outfitter during the period for which the permit was issued:

15	0 - 5 clients	\$ 250
16	6 - 10 clients	500
17	11 - 15 clients	750
18	16 - 20 clients	1,000
19	21 - 25 clients	1,500
20	26 - 30 clients	2,000
21	31 or more clients	2,500.

22 * Sec. 13. AS 08.54.470(c) is amended to read:

23 (c) A guide-outfitter, marine mammal guide-outfitter, and trans-
24 porter shall pay the commercial use permit fee at the time of applica-
25 tion for [ISSUANCE OR] renewal of a guide-outfitter license, marine
26 mammal guide-outfitter license, or transporter license. If the guide-
27 outfitter, marine mammal guide-outfitter, or transporter does not
28 apply for renewal of the guide-outfitter license, marine mammal guide-
29 outfitter license, or transporter license, the commercial use permit

1 fee shall be paid within 30 days after the end of the annual period
2 for which the commercial use permit was issued.

3 * Sec. 14. AS 08.54.470 is amended by adding a new subsection to read:

4 (e) Notwithstanding (a) of this section and AS 08.54.370, a
5 person who is licensed under this chapter as a guide-outfitter but who
6 is retired from or does not engage in guide-outfitting activities is
7 exempt from requirements to obtain a commercial use permit and to pay
8 the commercial use permit fee. The department shall adopt regulations
9 to implement this subsection.

10 * Sec. 15. AS 08.54 is amended by adding a new section to read:

11 Sec. 08.54.560. REPORTS RELATING TO CARRIAGE OF BIG GAME HUNT-
12 ERS. (a) A person who is subject to AS 42.30.200 shall submit to the
13 department by January 31 of each year an activity report relating to
14 the carriage, to, from, or in the field, during the previous year of
15 big game hunters, their equipment, and big game animals harvested by
16 hunters. The report shall be made on a form provided by the depart-
17 ment and must contain information required by the board by regulation.

18 (b) A person who intentionally violates this section is guilty
19 of a class B misdemeanor.

20 * Sec. 16. AS 08.54.590(13) is amended to read:

21 (13) "transportation services" means carriage of, or adver-
22 tising to carry for compensation, big game hunters, their equipment,
23 or big game animals harvested by hunters to, from, or in the field;
24 "transportation services" does not include the carriage by aircraft of
25 big game hunters, their equipment, or big game animals harvested by
26 hunters

27 (A) on nonstop flights between state, municipally, or
28 federally maintained airports and float plane docks, unless the
29 person providing transportation services advertises as defined in

1 this section: or

2 (B) by an air taxi operator or air carrier who does
3 not charge more than the usual tariff or charter rate for [WHICH]
4 the carriage of big game hunters, their equipment, or big game
5 animals harvested by hunters, unless the person providing trans-
6 portation services advertises as defined in this section [IS ONLY
7 AN INCIDENTAL, AS DEFINED BY THE BOARD, PORTION OF ITS BUSINESS];

8 * Sec. 17. AS 08.54.590 is amended by adding a new paragraph to read:

9 (15) "advertise" means to make big game hunting and related
10 transportation services publicly and generally known through the use
11 of a media or indirectly through hunt broker services or promotional
12 services.

13 * Sec. 18. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

14 The Department of Fish and Game shall propose guide-outfitter use areas for
15 use by the Big Game Commercial Services Board in establishing a resource-
16 based management system for allocating access to big game hunting oppor-
17 tunities among guide-outfitters. The department shall identify proposed
18 guide-outfitter use areas for appropriate regions and areas of the state.
19 The department may set priorities for identifying use areas and may deter-
20 mine the extent and number of use areas to be identified at one time. The
21 department shall complete the identification of proposed use areas within
22 two years after the close of the first public comment period prescribed
23 under (e) of this section. The department shall complete the identifica-
24 tion of proposed use areas for a significant portion of the state within
25 nine months after the close of the first public comment period prescribed
26 under (e) of this section.

27 (b) The Big Game Commercial Services Board may recommend to the
28 department those areas of the state that should receive priority in identi-
29 fying use areas.

1 (c) The department shall publish a public notice that it is accepting
2 public comment for identification of areas as proposed guide-outfitter use
3 areas. The department shall accept public comment for 60 days after the
4 notice is first published.

5 (d) The department shall propose use areas in light of the following
6 considerations:

- 7 (1) wildlife management concerns, including abundance and diver-
8 sity of wildlife, historical harvest of wildlife from the area, and exist-
9 ing administrative boundaries established for wildlife management purposes;
- 10 (2) wildlife law enforcement concerns;
- 11 (3) public comment received under (c) of this section;
- 12 (4) land ownership in the area;
- 13 (5) administrative restrictions;
- 14 (6) existence of boundaries that can be readily identified in
15 the field;
- 16 (7) accessibility of the area and other transportation consid-
17 erations;
- 18 (8) existence of complementary and noncomplementary land uses
19 within the area;
- 20 (9) existing facilities within the area; and
- 21 (10) other considerations relevant to the purposes of this sec-
22 tion.

23 (e) The department shall provide maps or descriptions to the public
24 of the use areas proposed under (d) of this section and shall solicit
25 public comment on the proposed use areas. The public shall have 45 days
26 after the maps or descriptions are distributed to comment on the use areas
27 proposed by the department. At the close of the comment period, the de-
28 partment shall review the proposed use areas in light of the public comment
29 received and shall then recommend boundaries for the proposed use areas.

1 The department shall transmit its boundary recommendations to the Big Game
2 Commercial Services Board as the recommendations are made final.

3 (f) The actions of the department under this section are exempt from
4 the Administrative Procedure Act (AS 44.62).

5 (g) In this section

6 (1) "department" means the Department of Fish and Game;

7 (2) "public" includes a natural person, corporation, associa-
8 tion, organization, society, company, partnership, or state, federal, or
9 local government agency.

10 * Sec. 19. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER

11 USE AREA PERMIT. (a) In order to facilitate and expedite the process for
12 issuing guide-outfitter use area permits during the first five years that
13 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-
14 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services
15 Board shall make preliminary determinations of the eligibility of a guide-
16 outfitter to receive use area permits.

17 (b) A guide-outfitter may apply, at times set by the board, for a
18 preliminary determination of eligibility for a use area permit for each
19 game management unit in which the guide-outfitter is certified or prequal-
20 ified for certification to guide-outfit hunts under AS 08.54.355, enacted
21 by sec. 5 of this Act.

22 (c) A guide-outfitter is qualified for a preliminary determination of
23 eligibility to receive a use area permit if the board finds that the guide-
24 outfitter satisfies the criteria of AS 08.54.650(b), enacted by sec. 2 of
25 this Act, that can be satisfied without reference to the characteristics of
26 a specific use area.

27 (d) A preliminary determination of eligibility to receive a use area
28 permit does not vest a right in the guide-outfitter to receive a use area
29 permit when use areas are offered under AS 08.54.650, enacted by sec. 2 of

1 this Act.

2 * Sec. 20. During the first five years that offerings of use areas are
3 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big
4 Game Commercial Services Board shall offer all guide-outfitter use areas.

5 * Sec. 21. The operation of AS 08.54.440 is suspended until January 1,
6 1991.

7 * Sec. 22. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSE-
8 QUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.-
9 360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by
10 sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act,
11 AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as
12 amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of
13 this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act apply to
14 initial applications for and renewals of guide-outfitter licenses, marine
15 mammal guide-outfitter licenses, and transporter licenses for 1991 and
16 subsequent years and to payment of commercial use permit fees for 1991 and
17 subsequent years. Applicants for guide-outfitter licenses, marine mammal
18 guide-outfitter licenses, and transporter licenses for 1990 or for renewal
19 of these licenses for 1990 shall pay the commercial use permit fee in
20 accordance with AS 08.54 as it existed on the day before the effective date
21 of this section.

22 * Sec. 23. SEVERABILITY. If a provision of this Act or the application
23 of this Act to a person or circumstance is held invalid, the remainder of
24 this Act and the application of this Act to other persons or circumstances
25 are not affected by the invalidity.

26 * Sec. 24. Section 21 of this Act is retroactive to May 12, 1989.

27 * Sec. 25. AS 08.54.310(b)(1) is repealed.

28 * Sec. 26. Sections 21 and 24 of this Act take effect immediately under
29 AS 01.10.070(c).