

Original sponsor(s): Rules Committee by Request

1 IN THE SENATE BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 422 (Rules)

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 all applicants are afforded a fair
13 opportunity to obtain a use area permit in those game management units
14 for which the applicant is certified by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (d) A use area permit is revoked automatically upon revocation
29 of the permittee's guide-outfitter license. A use area permit is

1 suspended automatically upon suspension of the permittee's guide-
2 outfitter license.

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

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

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

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

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

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

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

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

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

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

29 (4) due to the death or disability of the former permittee

1 or for other good cause, as defined by the board.

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

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

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

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

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

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

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

28 (2) "sole use" means the utilization of a guide-outfitter
29 use area by one use area permittee.

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

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

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

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

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

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

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

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

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

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

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

27 (7) has been licensed as and performed the services of a
28 class-A assistant guide-outfitter or assistant guide-outfitter in the
29 state for a part of each of three years, or has guide-outfitted in the

1 state for a part of each of three years under a marine mammal guide-
2 outfitter license issued under AS 08.54.360;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (C) field preparation of trophies;

17 (D) care of game meat;

18 (E) use of guide-outfitting gear;

19 (F) firearm safety;

20 (G) practical first aid; and

21 (H) booking and contracting hunts;

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

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

28 (7) has paid the license fee and has applied for a commer-
29 cial use permit [FEE].

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

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

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

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

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

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

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

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

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

15 (2) pays the license fee;

16 (3) applies for a [PAYS THE] commercial use permit, if
17 required under AS 08.54.470 [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, if the applicant was required to
8 obtain a permit under AS 08.54.470; and

9 (4) proof of

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

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

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

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

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

2 (a) A person who is licensed under this chapter as a guide-
3 outfitter, marine mammal guide-outfitter, or transporter shall obtain
4 an annual commercial use permit. However, a transporter who provides
5 only air transportation services and who does not charge more than the
6 usual tariff or charter rate for the carriage of big game hunters,
7 their equipment, or big game animals harvested by hunters is exempt
8 from the requirement to obtain a commercial use permit or to pay the
9 commercial use permit fee. The [AND PAY AN] annual commercial use
10 permit fee shall be paid as set out in this section.

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

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

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

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

21	0 - 5 clients	\$ 250
22	6 - 10 clients	500
23	11 - 15 clients	750
24	16 - 20 clients	1,000
25	21 - 25 clients	1,500
26	26 - 30 clients	2,000
27	31 or more clients	2,500.

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

29 (c) A guide-outfitter, marine mammal guide-outfitter, and

1 transporter shall pay the commercial use permit fee at the time of
2 application for [ISSUANCE OR] renewal of a guide-outfitter license,
3 marine mammal guide-outfitter license, or transporter license. If the
4 guide-outfitter, marine mammal guide-outfitter, or transporter does
5 not apply for renewal of the guide-outfitter license, marine mammal
6 guide-outfitter license, or transporter license, the commercial use
7 permit fee shall be paid within 30 days after the end of the annual
8 period for which the commercial use permit was issued.

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

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

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

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

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

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

27 (13) "transportation services" means the carriage of or
28 advertising to carry, for compensation, [OF] big game hunters, their
29 equipment, or big game animals harvested by hunters to, from, or in

1 the field; "transportation services" does not include the carriage by
2 aircraft of big game hunters, their equipment, or big game animals
3 harvested by hunters (A) on nonstop flights between state, municipally,
4 or federally maintained airports and float plane docks unless
5 the air taxi operator or air carrier providing transportation services
6 on flights between maintained airports advertises big game commercial
7 services that benefit an air taxi operator or air carrier that is a
8 subsidiary, affiliate, or contractor of the air taxi operator or air
9 carrier that is advertising; or (B) by an air taxi operator or air
10 carrier who does not charge more than the usual tariff or charter rate
11 for [WHICH] the carriage of big game hunters, their equipment, or big
12 game animals harvested by hunters, unless the air taxi operator or air
13 carrier providing transportation services advertises big game com-
14 mercial services; in this paragraph, "advertises" or "advertising"
15 means soliciting big game hunters to be customers of an air taxi
16 operator or air carrier for the purpose of providing air transporta-
17 tion to, from, or in the field through the use of print or electronic
18 media specifically directed to big game hunters, including advertising
19 at trade shows, or the use of hunt broker services or other promotion-
20 al services [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD, PORTION
21 OF ITS BUSINESS];

22 * Sec. 17. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)
23 The Department of Fish and Game shall propose guide-outfitter use areas for
24 use by the Big Game Commercial Services Board in establishing a resource-
25 based management system for allocating access to big game hunting oppor-
26 tunities among guide-outfitters. The department shall identify proposed
27 guide-outfitter use areas for appropriate regions and areas of the state.
28 The department may set priorities for identifying use areas and may deter-
29 mine the extent and number of use areas to be identified at one time. The

1 department shall complete the identification of proposed use areas within
2 two years after the close of the first public comment period prescribed
3 under (e) of this section. The department shall complete the identifica-
4 tion of proposed use areas for a significant portion of the state within
5 nine months after the close of the first public comment period prescribed
6 under (e) of this section.

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

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

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

16 (1) wildlife management concerns, including abundance and diver-
17 sity of wildlife, historical harvest of wildlife from the area, and exist-
18 ing administrative boundaries established for wildlife management purposes;

19 (2) wildlife law enforcement concerns;

20 (3) public comment received under (c) of this section;

21 (4) land ownership in the area;

22 (5) administrative restrictions;

23 (6) existence of boundaries that can be readily identified in
24 the field;

25 (7) accessibility of the area and other transportation consid-
26 erations;

27 (8) existence of complementary and noncomplementary land uses
28 within the area;

29 (9) existing facilities within the area; and

1 (10) other considerations relevant to the purposes of this sec-
2 tion.

3 (e) The department shall provide maps or descriptions to the public
4 of the use areas proposed under (d) of this section and shall solicit
5 public comment on the proposed use areas. The public shall have 45 days
6 after the maps or descriptions are distributed to comment on the use areas
7 proposed by the department. At the close of the comment period, the de-
8 partment shall review the proposed use areas in light of the public comment
9 received and shall then recommend boundaries for the proposed use areas.
10 The department shall transmit its boundary recommendations to the Big Game
11 Commercial Services Board as the recommendations are made final.

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

14 (g) In this section

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

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

19 * Sec. 18. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER
20 USE AREA PERMIT. (a) In order to facilitate and expedite the process for
21 issuing guide-outfitter use area permits during the first five years that
22 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-
23 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services
24 Board shall make preliminary determinations of the eligibility of a guide-
25 outfitter to receive use area permits.

26 (b) A guide-outfitter may apply, at times set by the board, for a
27 preliminary determination of eligibility for a use area permit for each
28 game management unit in which the guide-outfitter is certified or prequal-
29 ified for certification to guide-outfit hunts under AS 08.54.355, enacted

1 by sec. 5 of this Act.

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

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

11 * Sec. 19. During the first five years that offerings of use areas are
12 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big
13 Game Commercial Services Board shall offer all guide-outfitter use areas.

14 * Sec. 20. The operation of AS 08.54.440 is suspended until January 1,
15 1991.

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

1 of this section.

2 * Sec. 22. TRANSITION; AIR CARRIER ADVERTISING. Air taxi operators or
3 air carriers who, but for the fact that they solicit big game hunters as
4 customers for the purpose of providing air transportation to, from, or in
5 the field through the use of publicity brochures or other printed material,
6 would not have to obtain a transporter license after the effective date of
7 sec. 16 of this Act, may continue to use existing stocks of publicity
8 brochures and other printed materials that solicit big game hunters as
9 customers of the air taxi operator or air carrier without having to obtain
10 a transporter license if

11 (1) the publicity brochures and other printed materials were
12 produced before April 1, 1990; and

13 (2) the air taxi operator or air carrier does not, on or after
14 April 1, 1990, produce or distribute other publicity brochures or printed
15 materials that solicit big game hunters as customers of the air taxi opera-
16 tor or air carrier.

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

21 * Sec. 24. Section 20 of this Act is retroactive to May 12, 1989.

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

23 * Sec. 26. Sections 20 and 24 of this Act take effect immediately under
24 AS 01.10.070(c).