

Original sponsor(s): Rules Committee by Request

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 422 (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; relating to hunting for mountain goat by  
11 nonresident hunters; and providing for an effective  
12 date."

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

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

15 (1) unregulated access to game management units by guide-out-  
16 fitters

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

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

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

1           (3) the guide-outfitter industry provides an opportunity for  
2 enhancing the state's economy, particularly the underdeveloped economies of  
3 the rural regions of the state;

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

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

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

18           (b) The purpose of this Act is to

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

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

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

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

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ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall establish guide-outfitter use areas throughout the state. The board shall consider the recommendations of the Department of Fish and Game in identifying the boundaries of the use areas. The board shall adopt the recommendations of the Department of Fish and Game for each use area unless the board obtains a finding from the Department of Fish and Game that an amended use area boundary as proposed by the board will not adversely affect wildlife conservation and management.

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

(1) the Department of Fish and Game finds that the proposed amendment will not adversely affect wildlife conservation and management; and

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

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

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

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

(c) The board shall decide whether a use area will be offered for sole or joint use before offering the use area. In making its

1 decision, the board shall consider for each use area

2 (1) information provided by the Department of Fish and Game  
3 on the status of big game populations, historical harvests of big  
4 game, and uses of wildlife in the use area;

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

7 (3) requirements for economically viable guide-outfitter  
8 operations;

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

11 (5) the effect of guide-outfitting activities on resident  
12 hunters; and

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

15 (d) Use areas for which use area permits have expired, been  
16 relinquished by the permittee, automatically revoked under AS 08.54.-  
17 660, or revoked by the board may be offered by the board at the next  
18 offering of use areas.

19 (e) The notice of the offering of use areas must include for  
20 each use area

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

22 (2) whether the use area is available for sole or joint  
23 use.

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

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

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

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

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

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

1 use area permit.

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

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

10 Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA  
11 PERMIT. (a) The board shall adopt by regulation procedures for  
12 evaluating and ranking the qualifications of applicants for guide-  
13 outfitter use area permits. The procedures must appropriately balance  
14 the criteria included under (b) of this section to ensure that all  
15 applicants are afforded a fair opportunity to obtain a use area permit  
16 in those game management units for which the applicant is certified by  
17 the board. The board may adopt regulations to define or clarify the  
18 criteria set out in (b) of this section.

19 (b) The board shall evaluate each application to determine  
20 whether the applicant is qualified for a guide-outfitter use area  
21 permit using the following criteria:

22 (1) the applicant's ability and means to provide the guide-  
23 outfitting services proposed in the applicant's operations plan;

24 (2) whether the applicant has the financial capability to  
25 carry out the guide-outfitting services proposed in the applicant's  
26 operations plan;

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

29 (4) the applicant's history of compliance with state and

1 federal fish and game and guide-outfitting statutes and regulations;  
2 (5) the applicant's  
3 (A) experience, including experience as a guide-out-  
4 fitter, an assistant guide-outfitter, or as a participant in  
5 activities directly related to guide-outfitting operations; or  
6 (B) knowledge of the use area, including knowledge of  
7 the geography, climatic conditions, flora and fauna, and similar  
8 knowledge, including knowledge obtained by big game hunting in  
9 the use area, that would assist the applicant in guide-outfitting  
10 hunts in the use area;  
11 (6) the applicant's history of compliance with AS 08.54.-  
12 520(a) in regard to prior authorization to enter or remain on state,  
13 federal, or private land;  
14 (7) whether the applicant has obtained those prior author-  
15 izations to guide-outfit hunts on state, federal, or private land in  
16 the use area from the significant or major landowners in the use area  
17 or has demonstrated the ability to acquire those authorizations;  
18 (8) whether the applicant holds all permits and licenses  
19 necessary to guide-outfit hunts in the use area or has demonstrated  
20 the ability to obtain the necessary permits and licenses.  
21 (c) In balancing the criteria under (b)(5)(A) and (B) of this  
22 section, the board shall give appropriate weight to each criterion to  
23 ensure fair consideration of all applicants.  
24 (d) The board shall award a use area permit only to a qualified  
25 applicant. If the board determines that more applicants are qualified  
26 to receive a use area permit for a use area than there are use area  
27 permits available, then the board shall rank all applicants for the  
28 use area permit and shall select the best qualified applicants to  
29 receive the available permits. The best qualified applicants are

1 those who receive the highest ranking under the criteria set out in  
2 (b) of this section and regulations adopted under (a) of this section.

3 (e) If a successful applicant does not provide, at the time the  
4 board awards the use area permit, proof of the permits and licenses  
5 necessary 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 the board shall issue a conditional use area permit that is valid for  
8 120 days. A conditional use area permit does not entitle the per-  
9 mittee to guide-outfit hunts within the use area. If the successful  
10 applicant provides proof satisfactory to the board within 120 days  
11 after issuance of the conditional use area permit that the applicant  
12 has received the necessary permits and licenses and land use authori-  
13 zations, the applicant shall be awarded a use area permit. If the  
14 successful applicant does not provide the required proof within 120  
15 days after issuance of the conditional use area permit, the condi-  
16 tional use area permit is void. If a conditional use area permit is  
17 voided under this subsection, the board shall offer the use area  
18 permit to the next best qualified applicant for the use area.

19 Sec. 08.54.655. GUIDE-OUTFITTER USE AREA PERMIT FEE. (a) Not-  
20 withstanding AS 08.01.065(c) - (e), the department, in consultation  
21 with the board, shall set a fee for a guide-outfitter use area permit  
22 that

23 (1) reflects the economic value of the privileges conferred  
24 by the use area permit, taking into consideration the term for which  
25 the use area permit is issued, the number of clients that may be  
26 guide-outfitted in the use area under the use area permit, the big  
27 game species for which hunts may be guide-outfitted under the use area  
28 permit, and whether the use area permit is for sole or joint use of  
29 the use area; and

1           (2) ensures a fair return to the people of the state for  
2 the commercial use of the big game species in the use area.

3           (b) The commissioner of administration shall separately account  
4 for the use area permit fees deposited in the general fund by the de-  
5 partment. The annual estimated balance in the account may be used by  
6 the legislature to make appropriations to the Department of Fish and  
7 Game and the Department of Public Safety to carry out their respective  
8 responsibilities for management of game resources and enforcement of  
9 game laws.

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 is amended by adding a new section to read:

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

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

15 (c) The board shall allow a guide-outfitter to prequalify for  
16 certification for each game management unit in which the guide-out-  
17 fitter is competent to guide-outfit hunts. The board shall allow a  
18 guide-outfitter to transfer a certification between game management  
19 units.

20 \* Sec. 5. AS 08.54.370(a) is amended to read:

21 (a) An applicant for renewal of a guide-outfitter license or a  
22 marine mammal guide-outfitter license shall submit with the applica-  
23 tion for renewal

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

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

27 (3) the commercial use permit fee for the next licensing  
28 period; and

29 (4) an amended guide-outfitter use area operations plan, if

1       appropriate.

2       \* Sec. 6. AS 08.54.460(a) is amended to read:

3               (a) A person, other than a guide-outfitter, marine mammal guide-  
4       outfitter, or a transporter, who provides other big game commercial  
5       services for compensation shall register with the board on a form  
6       provided by the board and shall obtain a commercial use permit and pay  
7       the annual commercial use permit fee set by the department in consul-  
8       tation with the board [UNDER AS 08.54.470]. In this section, "other  
9       big game commercial services" includes provision of accommodations in  
10      the field at a permanent lodge, house, or cabin owned by the commer-  
11      cial use permit holder, hunt broker services, gear rental services,  
12      photographic or videographic services, and services as defined by the  
13      board by regulation.

14      \* Sec. 7. AS 08.54.470 is amended by adding a new subsection to read:

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

21      \* Sec. 8. AS 08.54 is amended by adding a new section to read:

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

29              (b) A person who knowingly violates this section is guilty of a

1 class B misdemeanor.

2 \* Sec. 9. AS 08.54.590(13) is amended to read:

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

27 \* Sec. 10. AS 16.05.340(a)(10) is amended to read:

28 (10) Nonresident hunting and sport fishing license .....96  
29 A nonresident may not take a big game animal, including mountain goat,

1 without previously purchasing a numbered, nontransferable, appropriate  
2 tag, issued under (15) of this subsection. The tag must be affixed to  
3 the animal immediately upon capture and must remain affixed until the  
4 animal is prepared for storage, consumed, or exported. A tag issued  
5 but not used for an animal may be used to satisfy the tagging require-  
6 ment for an animal of any other species for which the tag fee is of  
7 equal or less value.

8 \* Sec. 11. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

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

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

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

29 (d) The department shall propose use areas in light of the following

1 considerations:

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

5 (2) wildlife law enforcement concerns;

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

7 (4) land ownership in the area;

8 (5) administrative restrictions;

9 (6) existence of boundaries that can be readily identified in  
10 the field;

11 (7) accessibility of the area and other transportation consid-  
12 erations;

13 (8) existence of complementary and noncomplementary land uses  
14 within the area;

15 (9) existing facilities within the area; and

16 (10) other considerations relevant to the purposes of this sec-  
17 tion.

18 (e) The department shall provide maps or descriptions to the public  
19 of the use areas proposed under (d) of this section and shall solicit  
20 public comment on the proposed use areas. The public shall have 45 days  
21 after the maps or descriptions are distributed to comment on the use areas  
22 proposed by the department. At the close of the comment period, the de-  
23 partment shall review the proposed use areas in light of the public comment  
24 received and shall then recommend boundaries for the proposed use areas.  
25 The department shall transmit its boundary recommendations to the Big Game  
26 Commercial Services Board as the recommendations are made final.

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

29 (g) In this section

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

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

5 \* Sec. 12. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER  
6 USE AREA PERMIT. (a) In order to facilitate and expedite the process for  
7 issuing guide-outfitter use area permits during the first five years that  
8 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-  
9 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services  
10 Board shall make preliminary determinations of the eligibility of a guide-  
11 outfitter to receive use area permits.

12 (b) A guide-outfitter may apply, at times set by the board, for a  
13 preliminary determination of eligibility for a use area permit for each  
14 game management unit in which the guide-outfitter is certified or prequal-  
15 ified for certification to guide-outfit hunts under AS 08.54.355, enacted  
16 by sec. 4 of this Act.

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

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

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

29 \* Sec. 14. The operation of AS 08.54.440 is suspended until January 1,

1 1991.

2 \* Sec. 15. TRANSITION; AIR CARRIER ADVERTISING. Until July 1, 1991,  
3 air taxi operators or air carriers who, but for the fact that they solicit  
4 big game hunters as customers for the purpose of providing air transporta-  
5 tion to, from, or in the field through the use of publicity brochures or  
6 other printed material, would not have to obtain a transporter license  
7 after the effective date of sec. 9 of this Act, may continue to use  
8 existing stocks of publicity brochures and other printed materials that  
9 solicit big game hunters as customers of the air taxi operator or air  
10 carrier without having to obtain 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. 16. 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. 17. Section 14 of this Act is retroactive to May 12, 1989.

22 \* Sec. 18. AS 08.54.310(b)(1) is repealed.

23 \* Sec. 19. Sections 14 and 17 of this Act take effect immediately under  
24 AS 01.10.070(c).