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FILE 2

chgd in Sen. Resources
chgd in Sen. Finance

Original sponsor(s): Rules Committee by Request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 422 (Finance)

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,

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the Big Game Commercial Services Board, guide-out-

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fitters, transporters and air carriers, and providers

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of other big game commercial services, and commercial

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use permits; and providing for an effective date."

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

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

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

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fitters

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(A) can potentially harm the state's valuable big game

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resources by allowing overharvest of big game species or populations

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that have a low recovery capacity or that exist in low abundance; and

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(B) has hindered management of hunters guide-outfitted by

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guide-outfitters, led to conflicts among guide-outfitters, and de-

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creased the quality of the hunting experience for clients of guide-

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outfitters and other hunters;

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(2) an economically viable guide-outfitter industry can offer a

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quality hunting experience to hunters from throughout the world who seek a

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unique opportunity to pursue and take trophy big game animals in the state

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and can contribute significantly to the state's economy by increasing

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tourism and supporting a variety of businesses associated with the guide-

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outfitter industry;

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(3) the guide-outfitter industry provides an opportunity for

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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 (11) 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
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, ~~and the applicant is 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.~~

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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

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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, ~~munici-~~
4 ~~pally, 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 advertised;~~ 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 ~~mmercial 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. An air taxi operator
3 or air carrier, whose operations are not included within the definition of
4 "transportation services" in AS 08.54.590(13), as amended by sec. 16 of
5 this Act, but whose publicity brochures or other print media produced
6 before April 1, 1990, contain advertisements for big game commercial ser-
7 vices that remain in circulation or use after April 1, 1990, will not be
8 considered as advertising big game commercial services.

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

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

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

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

- Am 1 - failed 9-11

- Am 2 - failed 16-4 Fuchs, Rody, Bourchet, Kelley

- Am 3 - passed 12-8 - removes goats

SB422 passed 15-5
Coghill
Fuchs
Halford
Rodes
Szymanski



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

| | | | |
|--|-----------------------------------|---|----------------------------|
| DEPARTMENT Fish and Game | DIVISION Wildlife Conservation | BILL NUMBER SB 422 | SPONSOR Rules Committee |
| SHORT TITLE OF BILL An act relating to guide outfitter use area permits... | | | |
| DEPARTMENT POSITION The department supports the provisions of this bill as endorsed in the report of the Legislative Task Force on Guiding and Game dated January 1990. | | | |
| PREPARED BY | DATE | COMMISSIONER'S SIGNATURE <i>Thomas G. Gidley</i> | DATE 2/10/90 |

SUMMARY

| | |
|--|--|
| OTHER AGENCIES AFFECTED BY BILL Dept. of Commerce and Economic Dev. Div. of Occupational Licensing Dept. of Public Safety Div. of Fish and Wildlife Protection | CONSTITUENT GROUP(S) AFFECTED BY BILL Licensed big game guide/outfitters Transporters Providers of other big game commercial services |
| ORGANIZATIONAL SUPPORT FOR BILL Alaska Professional Hunters Association USF&WS, USFS, and USNPS U.S. Bureau of Land Management | ORGANIZATIONAL OPPOSITION TO BILL Some guide/outfitters and transporters |
| FISCAL IMPACT: <input type="checkbox"/> NONE <input type="checkbox"/> FISCAL NOTE ATTACHED | |

BACKGROUND/LEGISLATIVE INTENT
The Legislative Task Force on Guiding and Game developed this bill proposing that the state establish a new wildlife resource-based system of allocating access to big game hunting opportunities among guide/outfitters. The proposed permit-based system differs from the previous system in that it: a) is founded on wildlife conservation and management concerns; b) provides specific selection criteria to ensure broad access and equal opportunity among applicants;
Continued on Page 2

ANALYSIS OF BILL/PROGRAM EFFECTS
The Department of Fish and Game (ADF&G) would propose guide/outfitter use areas for the state. These recommendations would be forwarded to the Big Game Commercial Services Board for adoption, and subsequent permitting. ADF&G would base the proposed use areas primarily on wildlife management and enforcement concerns, with additional consideration of public comment, land ownership, administrative boundaries, recognizable field boundary features, access, land uses, and existing facilities. The initial mapping project would be completed during FY 92, with continuing but reduced levels of support to maintain the area boundary maps and to provide statewide wildlife information on a regular basis to the Big Game Commercial Services Board.

The department will need to continue normal biological surveys and analyses of big game as well as harvest data management in order to assess and manage ongoing effects of commercial use on wildlife. The proposed wildlife conservation fee would potentially be available for legislative allocation to ADF&G, Division of Wildlife Conservation to help offset costs of managing big game populations for all uses.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Legislative Intent Continued:

c) provides annual compensation in the form of wildlife conservation fees to the people of the state, based upon actual use of the wildlife resource; d) limits terms of the authorizations (permits); e) requires contractual terms (operations plans) for commercial use of the state's wildlife resource; f) is based on joint use rather than exclusive use; and g) precludes any "property value" accruing to the permittee for the use of a public resource held in common use.

Date of 5-Day Notice: 2-7-90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-27-90

Resources

Committee considered

SB 422

"An Act relating to guide-outfitter use area permits, the Big Game Commercial Services Board, and guideoutfitters, transporters, and providers of other big game commercial services."

and recommended:

- replace with _____ CS SB 422 (Res) same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) Commerce +
TTIC

zero fiscal note(s) _____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

Rick Halford do NOT Pass unless NON SEVERABLE

[Signature] no rec.

[Signature]

Chair: Signature and Recommendation

FISCAL NOTE

REQUEST: _____

Revision Date: _____
 Title: An Act Relating to Guide
 Outfitters Use Area Permits...
 Sponsor: Rules Committee
 Requestor: _____

Agency Affected: Fish and Game
 BRU: Wildlife Conservation
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 67.5 | 71.7 | 43.5 | 43.5 | 43.5 | 43.5 |
| TRAVEL | 3.0 | 3.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| CONTRACTUAL | .5 | 7.5 | 1.0 | 1.0 | 1.0 | 1.0 |
| SUPPLIES | 1.0 | 1.5 | 1.0 | 1.0 | 1.0 | 1.0 |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 72.0 | 83.7 | 46.5 | 46.5 | 46.5 | 46.5 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 1 | 1 | 1 | 1 | 1 | 1 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary) No FY 90 impact.
 The FY 91 and FY 92 expenditures reflect the development of a computerized area-based management system for use in administering the guide/outfitting industry. Expenditures for FY 93 and beyond would maintain this system and provide necessary big game information to the Big Game Commercial Services Board.

Prepared by: W. Lewis Pamplin, Jr., Director Phone: 465-4190
 Division: Wildlife Conservation Date: 2/9/90

Approved by Commissioner: *Anna H. Piles* Date: 2/10/90
 Agency: Fish and Game

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Fiscal Note for Senate Bill 422
Page 2 of 2

| | FY 91 Mos. Cost | FY 92 Mos. Cost | FY 93 Mos. Cost | FY 94 Mos. Cost |
|----------------------------------|--------------------|--------------------|--------------------|--------------------|
| LINE 100 * | | | | |
| WB III @ \$4.5/mo | 11 49.5 | | | |
| @ \$4.7/mo | | 12 56.4 | 6 28.2 | 6 28.2 |
| AP II @ \$3.3/mo | 3 9.9 | 3 9.9 | 1 9.9 | 1 9.9 |
| DPC II @ \$2.7/mo | 3 8.1 | 2 5.4 | 2 5.4 | 2 5.4 |
| <u>SUB TOTAL</u> | <u>67.5</u> | <u>71.7</u> | <u>43.5</u> | <u>43.5</u> |
| LINE 200 TRAVEL | 3.0 | 3.0 | 1.0 | 1.0 |
| LINE 300 CONTRACTUAL SERVICES | .5 | 7.5 | 1.0 | 1.0 |
| LINE 400 SUPPLIES | 1.0 | 1.5 | 1.0 | 1.0 |
| LINE 500 EQUIPMENT | 0 | 0 | 0 | 0 |
| <u>TOTAL</u> | <u>72.0</u> | <u>83.7</u> | <u>46.5</u> | <u>46.5</u> |

Note: The total for FY 92 is greater than previously projected, and subsequent years totals are lower. This is due to additional mapping work necessitated under the proposed legislation, with less work anticipated after FY 92.

* These positions are existing PCNs.

BILL NO: SB 422

DATE: February 9, 1990

TITLE: Guide-Outfitter Use Areas

CONTACT: Captain Phil Gilson
Fish & Wildlife Protection
269-5509

DEPARTMENT OF
PUBLIC SAFETY
/ FISH & WILDLIFE
PROTECTION

Passage of SB 422 would establish a system for allocating access to big game hunting opportunities among guide-outfitters in the state. The system would determine guide-outfitter use areas; establish a permit system for the use areas; establish procedures for applying for, granting, and assignment of the guide-outfitter use areas, and for how long and under what conditions.

Passage of this bill would require each licensed guide-outfitter and transporter to pay an annual wildlife conservation fee, the funds of which may be used by the legislature to make appropriations to the Departments of Fish and Game and Public Safety to carry out their respective responsibilities for management of game resources and enforcement of game laws.

The Department of Public Safety supports passage of this bill.


ARTHUR ENGLISH
Commissioner

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
Title: An Act relating to guide-outfitter BRU: Occupational Licensing
use area permits; . . .
Sponsor: Senate Rules by Request Components: _____
Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES | 85.3 | 85.3 | 85.3 | 85.3 | 85.3 | 85.3 |
| TRAVEL | 26.4 | 26.4 | 26.4 | 26.4 | 26.4 | 26.4 |
| CONTRACTUAL | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |
| SUPPLIES | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| EQUIPMENT | 17.6 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 139.3 | 121.7 | 121.7 | 121.7 | 121.7 | 121.7 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | 32.2 | 32.2 | 32.2 | 32.2 | 32.2 | 32.2 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--------------|--------------|--------------|--------------|--------------|--------------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (GF/PR) | 139.3 | 121.7 | 121.7 | 121.7 | 121.7 | 121.7 |
| TOTAL | 139.3 | 121.7 | 121.7 | 121.7 | 121.7 | 121.7 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 2 | 2 | 2 | 2 | 2 | 2 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS : (Attach a separate page if necessary)

The bill requires the Big Game Commercial Services Board to establish guide-outfitter use areas throughout the state, to adopt procedures for evaluating qualifications of use area applicants, and to annually offer available use areas to qualified guide-outfitters. (CONTINUED ON ATTACHED)

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
Division: Occupational Licensing Date: 2/7/90

Approved by Commissioner: Larry Merculieff Date: 2/6/90
Agency: Department of Commerce & Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE
FOR SB 422

In addition, the bill authorizes the board to issue use area permits; monitor and limit the number of clients that may be guide-outfitted in a use area each year; suspend or revoke a use area permit; and publish a comprehensive list of all unawarded guide-outfitter areas. The staff work involved in processing the highly complex operational plans will be submitted for competing use area applications and in adequately preparing for board meetings where use areas will be awarded will require an additional Licensing Examiner position. In addition, keeping track of use areas awarded or unawarded will consume extensive staff time. Finally, coordination with ADF&G staff will also require additional time.

The Investigator position is required to beef up enforcement. If we are to properly manage the commercial industry's use of our big game resource, then the state must adequately enforce the licensing requirements contained in SB 422. To assist the board with the responsibilities mandated in the bill, the fiscal note provides for:

| | |
|---|-------------|
| 1 Occupational Licensing Examiner I, 12 months, GGU, Range 12A | \$ 35.0 |
| 1 Investigator III, 12 months, GGU, Range 18A | <u>50.3</u> |
| Sub-Total: | \$ 85.3 |

Travel:

Funding provides two additional meetings annually for the Big Game Commercial Services Board and staff to conduct its business, including review of qualified applicants for issuance of use area permits.

\$ 16.4

This funding will also provide travel for the Investigator III to assist the board in enforcing the use area permit requirements and to conduct rural area education regarding the new big game commercial services statutes and to encourage rural resident participation in the big game commercial services industry.

10.0

Sub-Total: \$ 26.4

Contractual Services:

This funding will cover the expense of public noticing regulations, publishing comprehensive lists of unawarded use areas, postage, and other communications.

\$ 8.0

Supplies:

Provides for daily operating desk top supplies for the two positions.

\$ 2.0

Equipment: (One time expense)

| | |
|--|------------|
| 2 - Strata III telephone units and lines | \$1.2 |
| 2 - Wang DP/WP Workstations | 4.4 |
| 2 - Desks, double pedestal | 1.6 |
| 2 - Chairs, swivel with arms | .8 |
| 2 - Chairs, side without arms | .5 |
| 2 - Typewriters | 1.4 |
| 2 - File Cabinets, 5-drawer, legal with lock | 1.2 |
| 2 - Workstations (modular furniture) | <u>6.5</u> |

Sub-Total: \$ 17.6

GRAND TOTAL \$139.3

Revenues

The revenue identified is based on 1,286 guide-outfitters and transporters paying the \$25 Wildlife Conservation Fee required in Section 6 of the bill at least once annually.

Presently, we are unable to more accurately predict the amount of revenues generated each year by this bill. However, revenues collected are anticipated to be more than the amount shown in this fiscal note as a result of the use area permit application fee (yet to be established by the Big Game Commercial Services Board) and the \$25 and \$5 Wildlife Conservation Fees for each big game animal taken annually.

BY THE RULES COMMITTEE BY REQUEST

1 IN THE SENATE

2

SENATE BILL NO. 422

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, and guide-
8 outfitters, transporters, and providers of other big
9 game commercial services."

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

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

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

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

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

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

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

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

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

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

15 (b) The purpose of this Act is to

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

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

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

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

27 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

28 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall
29 establish guide-outfitter use areas throughout the state. The board

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

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

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

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

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

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

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

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

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

29 (3) requirements for economically viable guide-outfitter

1 operations;

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

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

6 (6) other relevant factors, including land ownership
7 concerns, land management concerns, and law enforcement concerns.

8 (d) Use areas for which use area permits have expired or been
9 relinquished by the permittee or revoked by the board may be offered
10 at the next offering of use areas.

11 (e) The notice of the offering of use areas must include for
12 each use area

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

14 (2) whether the use area is available for sole or joint
15 use.

16 Sec. 08.54.630. GUIDE-OUTFITTER USE AREA PERMIT; REGISTRATION
17 PERMIT. (a) A guide-outfitter use area permit or registration permit
18 authorizes a guide-outfitter to guide-outfit hunts in the use area for
19 those big game species specified by the permit and may limit the
20 number of clients that may be guide-outfitted in the use area each
21 year.

22 (b) A sole use area permit grants to the permittee the sole
23 privilege to guide-outfit hunts for all big game species that occur
24 within the use area. A joint use area permit grants to the permittee
25 the privilege to guide-outfit hunts in the use area for the big game
26 species specified in the permit; however, all joint use area permits
27 for a use area, when considered together, must grant privileges to
28 guide-outfit hunts for all big game species that occur within the use
29 area.

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

10 (d) A guide-outfitter may not guide-outfit a hunt for a big game
11 species in a use area, unless the guide-outfitter has a use area
12 permit or registration permit that entitles the guide-outfitter to
13 guide-outfit hunts for that species in that use area.

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

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

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

29 (c) The department shall set the application fee for a guide-

1 outfitter use area permit under AS 08.01.065.

2 Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA
3 PERMIT. (a) The board shall adopt procedures for evaluating the
4 qualifications of applicants for guide-outfitter use area permits.

5 The procedures must appropriately balance the criteria included under
6 (b) of this section to ensure that ~~new~~ ^{new ~~all~~ ~~to~~ ~~any~~ ~~qualifications~~} guide-outfitter licensees under
7 this chapter are not unfairly disadvantaged or denied an opportunity
8 to obtain a use area permit in those game management units for which
9 the licensee is certified by the board.

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

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

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

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

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

23 (5) the applicant's experience in or knowledge of the use
24 area;

25 (6) the applicant's history of compliance with AS 08.54.-
26 520(a) in regard to prior authorization to enter or remain on state,
27 federal, or private land;

28 (7) whether the applicant has obtained those prior autho-
29 rizations to guide-outfit hunts on state, federal, or private land in

all applicants have to "fairness"

1 the use area from the significant or major landowners in the use area
2 or has demonstrated the ability to acquire those authorizations;

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

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

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

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

1 permit is void. If a conditional use area permit is voided under this
2 subsection, the board shall offer the use area permit to the next best
3 qualified applicant for the use area.

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

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

- 13 (1) violation of the conditions of the use area permit;
- 14 (2) failure to exercise the privileges conferred by the use
15 area permit for one year;
- 16 (3) a significant unauthorized deviation, as defined by the
17 board, from an operations plan;
- 18 (4) fraud in applying for a use area permit or assignment
19 of a use area permit; or
- 20 (5) other good cause, as defined by the board.

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

23 (d) A use area permit is suspended automatically if the permit-
24 tee fails to pay the wildlife conservation fee when due. The suspen-
25 sion remains in effect until the wildlife conservation fee is paid.

26 (e) A use area permit is revoked automatically upon revocation
27 of the permittee's guide-outfitter license. A use area permit is
28 suspended automatically upon suspension of the permittee's guide-
29 outfitter license.

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

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

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

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

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

18 (a) A use area permit may be assigned by the board under regulations
19 of the board if the assignment is

20 (1) consistent with the purposes of AS 08.54.610 - 08.-
21 54.690; *person* *↗* *\$*

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

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

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

27 (b) The sale of guide-outfitter facilities and equipment between
28 the former permittee and the assignee of a use area permit may not be
29 for an amount that exceeds the replacement value of the property. The

1 sale of property between the former permittee and the assignee of a
2 use area permit for an amount in excess of the replacement value of
3 the property voids the assignment of the use area permit.

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

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

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

18 Sec. 08.54.680. INFORMATION ON GUIDE-OUTFITTER USE AREAS. (a)
19 The board shall maintain and publish on a regular basis a comprehen-
20 sive list of all unawarded guide-outfitter use areas that are open to
21 application for use by qualified 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;

29 (4) an amended guide-outfitter use area permit operations

1 plans, if appropriate; and

2 (5) the wildlife conservation fee for the period covered by
3 the current license.

4 * Sec. 6. AS 08.54 is amended by adding a new section to article 2 to
5 read:

6 Sec. 08.54.480. WILDLIFE CONSERVATION FEE. (a) Each guide-
7 outfitter licensed under AS 08.54.350 and transporter shall pay annu-
8 ally a wildlife conservation fee.

9 (b) The wildlife conservation fee paid by a guide-outfitter is
10 the sum of \$25 for each big game animal other than deer and \$5 for
11 each deer taken by a client during the year. A guide-outfitter shall
12 pay the fee at the time for renewal of guide-outfitters' licenses.
13 Failure to renew a guide-outfitter's license does not excuse payment
14 of the fee.

15 (c) The wildlife conservation fee paid by a transporter is the
16 sum of \$25 for each big game animal other than deer and \$5 for each
17 deer that is (1) taken on a non-guide-outfitted hunt by a customer of
18 the transporter, and (2) transported by the transporter. Transporters
19 shall pay the fee at the time set by the department.

20 (d) The commissioner of administration shall separately account
21 for wildlife conservation fees deposited in the general fund by the
22 department. The annual estimated balance in the account may be used
23 by the legislature to make appropriations to the Department of Fish
24 and Game and the Department of Public Safety to carry out their re-
25 spective responsibilities for management of game resources and en-
26 forcement of game laws.

27 * Sec. 7. AS 08.54.590(13) is amended to read:

28 (13) "transportation services" means the carriage for
29 compensation of big game hunters, their equipment, or big game animals

1 harvested by hunters to, from, or in the field; "transportation ser-
2 vices" does not include the carriage by aircraft of big game hunters,
3 their equipment, or big game animals harvested by hunters

4 (A) on nonstop flights between state or federally
5 maintained airports; or

6 (B) by an air taxi operator or air carrier for which
7 the carriage of big game hunters, their equipment, or big game
8 animals harvested by hunters is only an incidental, as defined by
9 the board, portion of its business unless the air taxi operator
10 or air carrier advertises hunting services to the public;

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

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

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

28 (c) The department shall publish a public notice that it is accepting
29 public comment for identification of areas as proposed guide-outfitter use

1 areas. The department shall accept public comment for 60 days after the
2 notice is first published.

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

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

8 (2) wildlife law enforcement concerns;

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

10 (4) land ownership in the area;

11 (5) administrative restrictions;

12 (6) existence of boundaries that can be readily identified in
13 the field;

14 (7) accessibility of the area and other transportation consid-
15 erations;

16 (8) existence of complementary and noncomplementary land uses
17 within the area;

18 (9) existing facilities within the area; and

19 (10) other considerations relevant to the purposes of this sec-
20 tion.

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

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

3 (g) In this section

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

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

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

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

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

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

29 * Sec. 10. During the first five years that offerings of use areas are

1 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big
2 Game Commercial Services Board shall offer all guide-outfitter use areas.

3 * Sec. 11. SEVERABILITY. If a provision of this Act or the application
4 of this Act to a person or circumstance is held invalid, the remainder of
5 this Act and the application of this Act to other persons or circumstances
6 are not affected by the invalidity.

7 * Sec. 12. AS 08.54.310(b)(1) is repealed.

BY THE RULES COMMITTEE BY REQUEST

1 IN THE SENATE

2

SENATE BILL NO. 422

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, and guide-

8

outfitters, transporters, and providers of other big

9

game commercial services," *and providing for an act*

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

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

12 (1) unregulated access to game management units by guide-out-

13 fitters

14 (A) can potentially harm the state's valuable big game

15 resources by allowing overharvest of big game species or populations

16 that have a low recovery capacity or that exist in low abundance; and

17 (B) has hindered management of hunters guide-outfitted by

18 guide-outfitters, led to conflicts among guide-outfitters, and de-

19 creased the quality of the hunting experience for clients of guide-

20 outfitters and other hunters;

21 (2) an economically viable guide-outfitter industry can offer a

22 quality hunting experience to hunters from throughout the world who seek a

23 unique opportunity to pursue and take trophy big game animals in the state

24 and can contribute significantly to the state's economy by increasing

25 tourism and supporting a variety of businesses associated with the guide-

26 outfitter industry;

27 (3) the guide-outfitter industry provides an opportunity for

28 enhancing the state's economy, particularly the underdeveloped economies of

29 the rural regions of the state;

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

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

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

15 (b) The purpose of this Act is to

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

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

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

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

27 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

28 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall
29 establish guide-outfitter use areas throughout the state. The board

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

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

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

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

16 *(Au)* *→ (c) A508.54.620 - 08.54.690 do not apply within an area*
17 *or to the activities of a guide-out within an area of the state*
18 *that is not included within the boundary of a guide-out use*
19 *also adopted by the board.*
20 Sec. 08.54.620. OFFERINGS OF GUIDE-OUTFITTER USE AREAS. (a)
21 The board shall annually offer available use areas to qualified guide-
22 outfitters. The board shall stagger the offering of use areas.

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

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

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

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

(3) requirements for economically viable guide-outfitter

1 operations;

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

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

6 (6) other relevant factors, including land ownership
7 concerns, land management concerns, and law enforcement concerns.

8 (d) Use areas for which use area permits have expired ^{or} been
9 relinquished by the permittee, ^{automatically revoked under AS 08 54 660} or revoked by the board may be offered, ^{by YAC board}
10 at the next offering of use areas.

11 (e) The notice of the offering of use areas must include for
12 each use area

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

14 (2) whether the use area is available for sole or joint
15 use.

16 Sec. 08.54.630. GUIDE-OUTFITTER USE AREA PERMIT; REGISTRATION
17 PERMIT. (a) A guide-outfitter use area permit or registration permit
18 authorizes a guide-outfitter to guide-outfit hunts in the use area for
19 those big game species specified by the permit and may limit the
20 number of clients that may be guide-outfitted in the use area each
21 year.

22 (b) A sole use area permit grants to the permittee the sole
23 privilege to guide-outfit hunts for all big game species that occur
24 within the use area. A joint use area permit grants to the permittee
25 the privilege to guide-outfit hunts in the use area for the big game
26 species specified in the permit; however, all joint use area permits
27 for a use area, when considered together, must grant privileges to
28 guide-outfit hunts for all big game species that occur within the use
29 area.

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

10 (d) A guide-outfitter may not guide-outfit a hunt for a big game
11 species in a use area, unless the guide-outfitter has a use area
12 permit or registration permit that entitles the guide-outfitter to
13 guide-outfit hunts for that species in that use area.

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

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

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

29 (c) The department shall set the application fee for a guide-

1 outfitter use area permit under AS 08.01.065.

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

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

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

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

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

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

23 (5) the applicant's experience in or knowledge of the use
24 area;

25 (6) the applicant's history of compliance with AS 08.54.-
26 520(a) in regard to prior authorization to enter or remain on state,
27 federal, or private land;

28 (7) whether the applicant has obtained those prior autho-
29 rizations to guide-outfit hunts on state, federal, or private land in

1 the use area from the significant or major landowners in the use area
2 or has demonstrated the ability to acquire those authorizations;

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

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

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

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

1 permit is void. If a conditional use area permit is voided under this
2 subsection, the board shall offer the use area permit to the next best
3 qualified applicant for the use area.

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

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

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

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

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

18 (4) fraud in applying for a use area permit or assignment
19 of a use area permit; or

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

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

23 (d) A use area permit is suspended automatically if the permit-
24 tee fails to pay the wildlife conservation fee when due. The suspen-
25 sion remains in effect until the wildlife conservation fee is paid.

26 (e) A use area permit is revoked automatically upon revocation
27 of the permittee's guide-outfitter license. A use area permit is
28 suspended automatically upon suspension of the permittee's guide-
29 outfitter license.

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to x

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

5 (g) A hearing to suspend or revoke a use area permit may be
6 combined with a disciplinary proceeding under AS 03.01.075 or AS 08.-
7 54.500 involving the use area permittee.

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

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

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

(A) *(a) except as provided in this section, a use area may not be sold, leased, or otherwise assigned.*
18 (a) A use area permit may be assigned by the board under regulations
19 of the board if the assignment is

20 (1) consistent with the purposes of AS 08.54.610 - 08.-
21 54.690;

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

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

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

as delete [27 (b) The sale of guide-outfitter facilities and equipment between
28 the former permittee and the assignee of a use area permit may not be
29 for an amount that exceeds the replacement value of the property. The

1 sale of property between the former permittee and the assignee of a
2 use area permit for an amount in excess of the replacement value of
3 the property voids the assignment of the use area permit.

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

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

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

18 Sec. 08.54.680. INFORMATION ON GUIDE-OUTFITTER USE AREAS. (a)
19 The board shall maintain and publish on a regular basis a comprehen-
20 sive list of all unawarded guide-outfitter use areas that are open to
21 application for use by qualified 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.

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

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

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

→ sec 4. AS 08.54.350(a) (12) has applied for a

AZ

* Sec. 4. AS 08.54 is amended by adding a new section to read:

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

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

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

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

(a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

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

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

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

(4) an amended guide-outfitter use area permit operations

✓ sec 6 AS 08.54.360(a) is amended (7) after and " has applied for

1 plans, if appropriate; and
2 (5) the wildlife conservation fee for the period covered by
3 the current license.

✓ AX
4 * Sec 6 AS 08.54.470 is amended by adding a new ^{sub-} section [to article 2] to read: *(e) notwithstanding (a) of this section + AS 08.54.370, a person who is licensed under this section operates as a gui-o but who is held out or does not engage in gui-o net. is exempt from requirements to obtain a commercial use permit fee. The dept shall adopt reg's to implement this section.*

9 (b) The wildlife conservation fee paid by a guide-outfitter is
10 the sum of \$25 for each big game animal other than deer and \$5 for
11 each deer taken by a client during the year. A guide-outfitter shall
12 pay the fee at the time for renewal of guide-outfitters' licenses.
13 Failure to renew a guide-outfitter's license does not excuse payment
14 of the fee.

Remove delete
15 (c) The wildlife conservation fee paid by a transporter is the
16 sum of \$25 for each big game animal other than deer and \$5 for each
17 deer that is (1) taken on a non-guide-outfitted hunt by a customer of
18 the transporter, and (2) transported by the transporter. Transporters
19 shall pay the fee at the time set by the department.

20 (d) The commissioner of administration shall separately account
21 for wildlife conservation fees deposited in the general fund by the
22 department. The annual estimated balance in the account may be used
23 by the legislature to make appropriations to the Department of Fish
24 and Game and the Department of Public Safety to carry out their re-
25 spective responsibilities for management of game resources and en-
26 forcement of game laws.]

AZ
27 * Sec. 7. AS 08.54.590(13) is amended to read: *see (a) (3) the C up fee for the [next licensing] period covered by the current permit of a advertising to carry*
28 (13) "transportation services" means the carriage for
29 compensation [of] big game hunters, their equipment, or big game animals

(4) an amended gui-
SBO422a
out use area operations
plan, & approp.

1 harvested by hunters to, from, or in the field; "transportation ser-
2 vices" does not include the carriage by aircraft of big game hunters,
3 their equipment, or big game animals harvested by hunters

4 (A) on nonstop flights between state^{municipally} or federally
5 maintained airports; ^{and float plane docks} or

6 (B) by an air taxi operator or air carrier, for [which]
7 ^{charge more than the usual tariff or charter rate}
8 the carriage of big game hunters, their equipment, or big game
9 animals harvested by hunters ^{who does not} is only an incidental, as defined by
10 the board, portion of its business unless the air taxi operator
11 or air carrier advertises hunting services to the public;

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

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

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

28 (c) The department shall publish a public notice that it is accepting
29 public comment for identification of areas as proposed guide-outfitter use

*revised
removed
incidental*

*A-2
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1 areas. The department shall accept public comment for 60 days after the
2 notice is first published.

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

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

8 (2) wildlife law enforcement concerns;

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

10 (4) land ownership in the area;

11 (5) administrative restrictions;

12 (6) existence of boundaries that can be readily identified in
13 the field;

14 (7) accessibility of the area and other transportation consid-
15 erations;

16 (8) existence of complementary and noncomplementary land uses
17 within the area;

18 (9) existing facilities within the area; and

19 (10) other considerations relevant to the purposes of this sec-
20 tion.

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

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

3 (g) In this section

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

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

8 * Sec. 9. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER

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

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

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

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

29 * Sec. 10. During the first five years that offerings of use areas are

172
(is now
Sec 18)

Sec 10

172

08.54.400(c) covered by the current permit

secs

08.54.460(a) is amended to read:

C.U.P. Fee

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sec 11 AS 08.54.470 (a) is amended to read permit fee shall be paid as set out in this section

(AT) cfd

following by?

1 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services Board shall offer all guide-outfitter use areas.

new bill section - sec 11 - The operation of AS 08.54.470 is suspended until JAN 1.

* Sec. 11. SEVERABILITY. If a provision of this Act or the application of this Act to a person or circumstance is held invalid, the remainder of this Act and the application of this Act to other persons or circumstances are not affected by the invalidity.

6 sec 13. Sec 11 of this Act is retroactive to May 12, 1989.
7 * Sec. 12. AS 08.54.310(b)(1) is repealed.

> "sec 15. Sections 11 + 13 of this Act take effect immediately under AS.01.10.070(C)."

(AT)

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sec 12. AS.08.54.470 (b) is repealed and ^{new} enacted to read (A) set by the dept

→ Marine Mammal

→ air carriers
OK w/ need

→ Class @ museum
Laurie Otto 3428
P17

→ airport
DOT

→ replacement &
Geo issue

→ Severability
JAN / and/or
Bill Horn

→ fee
P16 - see Kont.

WORK DRAFT

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(C)

6-1716E
Utermohle
3/21/99

Original sponsor(s): Rules Committee by request

IN THE SENATE

BY THE RESOURCES COMMITTEE

CS FOR SENATE BILL NO. 422 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECCND SESSION

A BILL

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

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

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

(1) unregulated access to game management units by guide-outfitters

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

(B) has hindered management of hunters guide-outfitted by guide-outfitters, led to conflicts among guide-outfitters, and decreased the quality of the hunting experience for clients of guide-outfitters and other hunters;

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

(3) the guide-outfitter industry provides an opportunity for 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 06.54.
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 06.-
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 licens
4 to a natural person who applies to guide-outfit a hunt for a specifi
5 species of marine mammal in a specifically designated area if th
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
hunters;

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

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

7 (1) set by the department, in consultation with the board,
 8 for transporters on the basis of a progressive fee in proportion to
 9 the number of big game hunters transported by the transporter during
 10 the period for which the permit was issued;

11 (2) for guide-outfitters and marine mammal guide-outfit-
 12 ters, at a minimum of equal to the following amounts based on the number of clients
 13 guide-outfitted by the guide-outfitter or marine mammal guide-outfit-
 14 ter 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

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

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

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

* Sec. 15. AS 08.54.590(13) is amended to read:

(13) "transportation services" means carriage of, or advertising to carry for compensation, big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

(A) on nonstop flights between state or federally maintained airports, and float plane docks; or

(B) by an air taxi operator or air carrier who does not

(i) charge more than the ^{usual} tariff or charter rate.

[if listed] for [WHICH] the carriage of big game hunters, their equipment, or big game animals harvested by hunters;

[or]
(ii) advertise big game commercial services to the public [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD. PORTION OF ITS BUSINESS];

* Sec. 16. AS 42.30 is amended by adding a new section to read:

Sec. 42.30.230. REPORTS RELATING TO CARRIAGE OF BIG GAME

(f)

HUNTERS. (a) A person who is subject to AS ~~42-30-200~~ shall submit to the department by January 31 of each year an activity report relating to the carriage during the previous year of big game hunters, their equipment, and big game animals harvested by hunters. The report shall be made on a form provided by the department and must contain information required by the Big Game Commercial Services Board by regulation.) *fringe who fails to report as required violation*

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

* Sec. 17. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

The Department of Fish and Game shall propose guide-outfitter use areas for use by the Big Game Commercial Services Board in establishing a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters. The department shall identify proposed guide-outfitter use areas for appropriate regions and areas of the state. The department may set priorities for identifying use areas and may determine the extent and number of use areas to be identified at one time. The department shall complete the identification of proposed use areas within two years after the close of the first public comment period prescribed under (e) of this section. The department shall complete the identification of proposed use areas for a significant portion of the state within nine months after the close of the first public comment period prescribed under (e) of this section.

(b) The Big Game Commercial Services Board may recommend to the department those areas of the state that should receive priority in identifying use areas.

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

Knowing of the circumstances that a person is guilty of a violation.

1 notice is first published.

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

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

7 (2) wildlife law enforcement concerns;

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

9 (4) land ownership in the area;

10 (5) administrative restrictions;

11 (6) existence of boundaries that can be readily identified in
12 the field;

13 (7) accessibility of the area and other transportation consid-
14 erations;

15 (8) existence of complementary and noncomplementary land uses
16 within the area;

17 (9) existing facilities within the area; and

18 (10) other considerations relevant to the purposes of this sec-
19 tion.

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

29 (f) The actions of the department under this section are exempt from

1 the Administrative Procedure Act (AS 44.62).

2 (g) In this section

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

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

7 * Sec. 18. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER
8 USE AREA PERMIT. (a) In order to facilitate and expedite the process for
9 issuing guide-outfitter use area permits during the first five years that
10 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-
11 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services
12 Board shall make preliminary determinations of the eligibility of a guide-
13 outfitter to receive use area permits.

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

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

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

28 * Sec. 19. During the first five years that offerings of use areas are
9 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big
CSSB 422(Res)

1 Game Commercial Services Board shall offer all guide-outfitter use areas.

2 * Sec. 20. The operation of AS 08.54.440 is suspended until January 1,
3 1991.

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

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

23 * Sec. 23. Section 20 of this Act is retroactive to May 12, 1989.

24 * Sec. 24. AS 08.54.310(b)(1) is repealed.

25 * Sec. 25. Sections 20 and 23 of this Act take effect immediately under
26 AS 01.10.070(c).

AMENDMENT

3/22/90

Offered to CS (3/21/90) for Senate Bill No. 422

Page 16

* Sec. 12. AS 08.54.470(b)

Delete lines 6 - 21 and replace with the following:

(b) The commercial use permit fee shall be set by the department in consultation with the board, for transporters, guide-outfitters, and marine mammal guide-outfitters, on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter, or guide-outfitted by the guide-outfitter or marine mammal guide-outfitter, during the period for which the permit was issued.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 1, line 8, after "transporters"

Insert "and air carriers"

Page 13, lines 6 - 10:

Delete all material and insert:

"(B) by an air taxi operator or air carrier who does
not

(i) charge more than the tariff or charter rate,
[if listed] for [WHICH] the carriage of big game hunters,
their equipment, or big game animals harvested by hunters;

or

(ii) advertise big game commercial services to the
public [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD,
PORTION OF ITS BUSINESS];

* Sec. 8. AS 42.30 is amended by adding a new section to read:

Sec. 42.30.230. REPORTS RELATING TO CARRIAGE OF BIG GAME
HUNTERS. (a) A person who is subject to AS 42.30.200 shall submit to
the department by January 31 of each year an activity report relating
to the carriage of big game hunters, their equipment, and big game
animals harvested by hunters during the preceding year. The report
shall be made on a form provided by the department and must contain

information required by the Big Game Commercial Services Board by regulation.

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

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 1, line 9, after "services":

Insert "; and providing for an effective date"

Page 16, following line 2:

Insert a new bill section to read:

"* Sec. 11. The operation of AS 08.54.440 is suspended until January 1, 1991."

Renumber the following bill section accordingly.

Page 16, following line 6:

Insert a new bill section to read:

"* Sec. 13. Section 11 of this Act is retroactive to May 12, 1989."

Renumber the following bill section accordingly.

Page 16, following line 7:

Insert a new bill section to read:

"* Sec. 15. Sections 11 and 13 of this Act take effect immediately under AS 01.10.070(c)."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 3, following line 15:

Insert a new subsection to read:

"(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."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 4, line 8:

Delete "or"

Insert ", "

Page 4, line 9:

After "permittee":

Insert ", automatically revoked under AS 08.54.660,"

After "offered":

Insert "by the board"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

OK

Page 9, following line 17:

Insert a new subsection to read:

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

Reletter the following subsections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

*Wrong
Solution*

Page 12, following line 3:

Insert a new bill section to read:

"* Sec. 6. AS 08.54.470 is amended by adding a new subsection to read:

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

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 1, line 9, after "services":

Insert ", and commercial use permits"

Page 8, lines 23 - 25:

Delete all material.

Reletter the following subsection accordingly.

Page 11, following line 7:

Insert a new bill section to read:

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

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

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

(4) has passed the qualification examinations prepared and

administered by the board;

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

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

(7) has been licensed as and performed the services of a class-A assistant guide-outfitter or assistant guide-outfitter in the state for a part of each of three years, or has guide-outfitted in the state for a part of each of three years under a marine mammal guide-outfitter license issued under AS 08.54.360;

(8) has demonstrated a current knowledge of fishing, hunting, and guide-outfitting regulations;

(9) is capable of performing the essential duties associated with guide-outfitting;

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

(11) possesses a business license to provide

guide-outfitting services; and

(12) has paid the license fee and has applied for a commercial use permit [FEE]."

Renumber the following bill section accordingly.

Page 11, line 20, through page 12, line 26:

Delete all material and insert:

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

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

(1) is 21 years of age or older;

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

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

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

(A) current fish and game laws and regulations;

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

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

- (F) firearm safety;
- (G) practical first aid; and
- (H) booking and contracting hunts;

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

(6) possesses a business license to provide guide-outfitting services; and

(7) has paid the license fee and has applied for a commercial use permit [FEE].

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

(a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

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

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

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

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

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

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

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

(2) pays the license fee;

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

(4) provides proof of

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

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

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

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

(c) An applicant for renewal of a transporter license shall submit with the application for renewal

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

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

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

(4) proof of

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

(B) licensure by the Coast Guard to carry passengers

for hire, if the applicant provides water transportation services to big game hunters and if licensure is required by the Coast Guard.

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

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

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

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

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

(b) The commercial use permit fee shall be
(1) set by the department, in consultation with the board, for transporters on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter during the period for which the permit was issued;

(2) for guide-outfitters and marine mammal guide-outfitters, equal to the following amounts based on the number of clients guide-outfitted by the guide-outfitter or marine mammal guide-outfitter during the period for which the permit was issued:

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

*Minimum
in consult with the board
adopt*

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

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for [ISSUANCE OR] renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license. If the guide-outfitter, marine mammal guide-outfitter, or transporter does not apply for renewal of the guide-outfitter license, marine mammal guide-outfitter license, or transporter license, the commercial use permit fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued."

Renumber the following bill sections accordingly.

Page 15, line 19:

Delete "sec. 4"

Insert "sec. 5"

Page 16, following line 2:

Insert a new bill section to read:

"* Sec. 18. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSEQUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act, AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act apply to initial applications for and renewals of guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1991 and subsequent years and to payment of commercial use permit fees for 1991 and subsequent years. Applicants for guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1990 or for renewal of these licenses for 1990 shall pay the commercial use permit fee in accordance with AS 08.54 as it existed on the day before the effective date of this section."

Renumber the following bill sections accordingly.

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 providers of other big
9 game commercial services, and commercial use permits;
10 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

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system is in effect*

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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 decision, the board shall consider for each use area

(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-outfitter
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 *returned to 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-outfitter
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

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

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

(f) A hearing to suspend or revoke a use area permit may be combined with a disciplinary proceeding under AS 08.01.075 or AS 08.54.500 involving the use area permittee.

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

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

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

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

(b) A use area permit may be assigned by the board under regulations of the board if the assignment is

- (1) consistent with the purposes of AS 08.54.610 - 08.54.690;
- (2) not for consideration to the former permittee;
- (3) to a guide-outfitter qualified to receive the use area permit; and

map to POC

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

(c) The sale of guide-outfitter facilities and equipment between the former permittee and the assignee of a use area permit may not be for an amount that exceeds the replacement value of the property. The sale of property between the former permittee and the assignee of a use area permit for an amount in excess of the replacement value of the property voids the assignment of the use area permit.

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

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

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

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

(b) The board shall maintain a centralized information center where information on guide-outfitter use areas and all commercial use

1 permittees can be readily obtained by guide-outfitters, government
2 agencies, and the public.

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

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

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

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

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

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

14 * Sec. 4. AS 08.54 is amended by adding a new section to read:

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

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

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

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

27 (a) An applicant for renewal of a guide-outfitter license or a
28 marine mammal guide-outfitter license shall submit with the applica-
29 tion for renewal

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

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

4 (3) the commercial use permit fee for the next licensi
5 period; and

6 (4) an amended guide-outfitter use area permit operation
7 plan, if appropriate.

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

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

20 * Sec. 7. AS 08.54.470(b) is amended to read:

21 (b) The department, in consultation with the board, shall set
22 the amount of the commercial use permit fee for

23 (1) transporters;

24 (2) marine mammal guide-outfitters;

25 (3) guide-outfitters who do not hold a registration permit;
26 or guide-outfitter use area permit;

27 (4) guide-outfitters who hold a registration permit but do
28 not hold a guide-outfitter use area permit; and

29 (5) guide-outfitters who hold a guide-outfitter use area

1 permit; the fee for a commercial use permit under this paragraph shall
2 be based on the number of clients permitted under the use area permit,
3 the size of the use area, the term of the use area permit, the big
4 game species to be hunted under the use area permit, and the number of
5 use area permits held by the guide-outfitter but may not exceed \$1,500
6 for each use area permit held by the guide-outfitter.

7 * Sec. 8. AS 08.54.470 is amended by adding a new subsection to read:

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

14 * Sec. 9. AS 08.54.590(13) is repealed and reenacted to read:

15 (13) "transportation services" means carriage of, or adver-
16 tising to carry for compensation, big game hunters, their equipment,
17 or big game animals harvested by hunters to, from, or in the field;
18 "transportation services" does not include the carriage by aircraft of
19 big game hunters, their equipment, or big game animals harvested by
20 hunters on nonstop flights between state or federally maintained
21 airports and float plane docks;

22 * Sec. 10. 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

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1 department shall complete the identification of proposed use areas withi
2 two years after the close of the first public comment period prescribe
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 withi
5 nine months after the close of the first public comment period prescribe
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. 11. 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 08.54.155, enacted

1 by sec. 4 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. 12. 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. 13. The operation of AS 08.54.440 is suspended until January 1,
15 1991.
16 * Sec. 14. SEVERABILITY. If a provision of this Act or the application
17 of this Act to a person or circumstance is held invalid, the remainder of
18 this Act and the application of this Act to other persons or circumstances
19 are not affected by the invalidity.
20 * Sec. 15. Section 13 of this Act is retroactive to May 12, 1989.
21 * Sec. 16. AS 08.54.310(b)(1) is repealed.
22 * Sec. 17. Sections 13 and 15 of this Act take effect immediately under
23 AS 01.10.070(c).
24
25
26
27
28
29

Andy Klein

retro

retro

A M E N D M E N T

#3

OFFERED IN THE SENATE

TO: CSSB 422 (Resources)

Adopted

Page 14, line 17, after "permit":

Insert ", if required under AS 08.54.470"

Page 15, line 7, following "permit":

Insert ", if the applicant was required to obtain a permit under AS 08.54.470"

Page 16, line 3, following ".":

Insert "However, a transporter who provides only air transportation services and who does not charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters is exempt from the requirement to obtain a commercial use permit or to pay the commercial use permit fee."

For Randal Burns

A M E N D M E N T

*Adopted in
Rules*

OFFERED IN THE SENATE

TO: CSSB 422 (Finance)

Page 22, lines 2 - 8:

Delete all material and insert:

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

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

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

#4

*adopted
Sen Fin*

AMENDMENT

OFFERED IN THE SENATE

TO: CS SB 422 (Resources)

P. 6, Line 9, Replace (a) with the following:

(a) The board shall adopt procedures for evaluating the qualifications of applicants for guide-outfitter use area permits. The procedures must appropriately balance the criteria included under (b) of this section to ensure that all applicants are afforded a fair opportunity to obtain a use area permit in those game management units for which the applicant is certified by the board.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 422 (Resources)

Page 17, line 14, after "carriage":

Insert ", to, from, or in the field,"

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 998 1
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 21, 1990

SUBJECT: Proposed amendment relating to assignments of
use area permits (6-1718Aaa)

TO: Senator Bettye Fahrenkamp
Chair Senate Resources Committee

FROM: George Utermohle *GU*
Legislative Counsel

Amendment 6-1718Aaa to SB 422 proposes the deletion of sub-
section (b) from AS 08.54.670 (Page 9, line 27 through page
10, line 3).

The material to be deleted prevents a guide-outfitter from
selling lodges, cabins, boats, aircraft, and other equipment
to another guide-outfitter who is the assignee of a use area
permit formerly held by the seller of the property and equip-
ment at a price that exceeded the replacement value of the
property.

One of the objections that the Alaska Supreme Court had to
the former exclusive guiding area system in the Owsichek
decision was that the guides could treat an exclusive guid-
ing area as personal property and sell it to other guides.
The ability of a guide to sell an exclusive guiding area was
one of those attributes of an exclusive franchise to use
game that the court found to violate the common use clause
of the Alaska Constitution. The Task Force on Guiding and
Game addressed this issue in its proposal for guide-outfit-
ter use areas by allowing guide-outfitters to assign their
use areas to other guide-outfitters but prohibited them from
selling the permit or otherwise receiving anything of value
in exchange for the assignment of the permit. In order to
prevent a guide-outfitter from receiving a payment for the
assignment of the permit under the guise of selling other
property to the assignee, the Task Force prohibited the
guide-outfitter from receiving more than the replacement
value for the property. The assumption was that if the as-
signee of the permit paid more than the replacement value of

Senator Bettye Fahrenkamp
Page 2
March 21, 1990

the property then the excess was really a payment for the assignment of the permit. The assignment of the permit was void if the amount paid for the property exceeded the replacement value of the property.

During further consideration of this issue, the Task Force decided to further restrict the procedure for the assignment of use area permits by taking away the power of guide-outfitters to determine who would succeed them as assignees of the use area. Use area permits may be assigned only by the Big Game Commercial Services Board. Guide-outfitters would no longer have an opportunity to determine who their successors would be. This approach eliminated the possibility of collusion between the assignor and assignee of use area permit.

This approach also eliminated the need for the Board to monitor the transfer of property between a former permit holder and the new assignee of the permit. Since the former permit holders do not determine who will succeed them, there is no opportunity for the former permittees to receive payment for assigning the permit to particular persons.

Thus subsection (b) of AS 08.54.670 could be deleted without affecting the integrity of the use area permit system proposed by SB 422. Deletion of this provision would also ease the burden on the Board by eliminating the responsibility of the Board to monitor the sales of property between former permit holders and assignees of use area permits.

GU:p1
WKP3/066

Enclosure

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 9, line 27 through page 10, line 3:

Delete all material.

Reletter the following subsections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Title

Page 1, line 8, after "transporters"

Insert "and air carriers" - in Title -

was sec 7 10 sec 16 17

29, P18, L1-4

Page ~~13~~, lines ~~6-10~~

Delete all material and insert:

"(B) by an air taxi operator or air carrier who does not

(i) charge more than the tariff or charter rate, if listed, for [WHICH] the carriage of big game hunters, their equipment, or big game animals harvested by hunters;

or

(ii) advertise big game commercial services to the public [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD, PORTION OF ITS BUSINESS];

15
* ~~Sec. 8.~~

08.54
AS ~~42.30~~ is amended by adding a new section to read:

08.54.470 560
Sec. ~~42.30.230.~~ REPORTS RELATING TO CARRIAGE OF BIG GAME

HUNTERS. (a) A person who is subject to AS 42.30.200 shall submit to the department by January 31 of each year an activity report relating to the carriage of big game hunters, their equipment, and big game animals harvested by hunters during the preceding year. The report shall be made on a form provided by the department and must contain

*P 17
L 3-9
L 11-19*

Issue amendment

information required by the Big Game Commercial Services Board by regulation.

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

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

✓ Page 1, line ^a~~8~~, after "services": *permits Title*
Insert "; and providing for an effective date"

✓ Page ²⁰~~16~~, ²⁷~~following~~ line ~~2~~:

Insert a new bill section to read:

"* Sec. ²⁰~~11~~. The operation of AS 08.54.440 is suspended until January 1, 1991."

Renumber the following bill section accordingly.

✓ ^{P 21 L 19}
Page ~~16~~, following line 6:

Insert a new bill section to read:

"* Sec. ²⁰~~13~~. Section ²⁰~~11~~ of this Act is retroactive to May 12, 1989."

Renumber the following bill section accordingly.

✓ Page ^{21 L 21, 22}~~16~~, following line ~~7~~:

Insert a new bill section to read:

"* Sec. ²⁵~~15~~. Sections ²⁰~~11~~ and ²³~~13~~ of this Act take effect immediately under AS 01.10.070(c)."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

LPC 2 08.54.660 L 21,22
Page 9, ~~following line 17:~~

Insert a new subsection to read:

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

Reletter the following subsections accordingly.

bans sale of permit

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

600?
✓

13

Page 4, line 8:

Delete "or"

tech.

Insert ", "

602
✓

14, 15

Page 4, line 9:

After "permittee":

Insert ", automatically revoked under AS 08.54.660,"

After "offered":

Insert "by the board"

*tech.
allows for those
permits revoked under
08.54.660 - term +
suspension or termination
of 90 day area permits*

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

✓ Page 12, following line 3:

Insert a new bill section to read:

(Sec 14 ~~Sec 6~~ P 17, 63-9

"* ~~Sec. 6.~~ AS 08.54.470 is amended by adding a new subsection to read:

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

Renumber the following bill sections accordingly.

allows retired guides to be exempt from the CUP fee.

guide-outfitting services; and

p12-17, 18

(12) has paid the license fee and has applied for a commercial use permit [FEE]."

*tech
C.U.P.*

Renumber the following bill section accordingly.

11 line 20, page 12, line 26
~~*12 line 17-18*~~

Page ~~11~~, line ~~20~~, through page 12, line 26:

Delete all material and insert:

*tech.
marine
mammal*

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

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

(1) is 21 years of age or older;

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

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

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

(A) current fish and game laws and regulations;

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

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

- (F) firearm safety;
- (G) practical first aid; and
- (H) booking and contracting hunts;

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

(6) possesses a business license to provide guide-outfitting services; and

✓ P13, L29
(7) has paid the license fee and has applied for a commercial use permit [FEE].

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

(a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

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

*tech P14 L9-12
P15 L6,7*
(2) the license fee for the next licensing period; [AND]

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

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

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

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

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

(2) pays the license fee;

P 14 217

tech

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

(4) provides proof of

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

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

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

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

(c) An applicant for renewal of a transporter license shall submit with the application for renewal

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

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

(3) the commercial use permit fee for the [NEXT LICENSING] ✓

period covered by the current permit; and

(4) proof of

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

(B) licensure by the Coast Guard to carry passengers

P 15 617
tech

for hire, if the applicant provides water transportation services to big game hunters and if licensure is required by the Coast Guard.

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

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

P16
L3
P15
L3
22-23

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

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

P16
L3, 4

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

(b) The commercial use permit fee shall be

(1) set by the department, in consultation with the board, for transporters on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter during the period for which the permit was issued;

P16
L5
3-4

(2) for guide-outfitters and marine mammal guide-outfitters, equal to the following amounts based on the number of clients guide-outfitted by the guide-outfitter or marine mammal guide-outfitter during the period for which the permit was issued:

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

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

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for [ISSUANCE OR] renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license. If the guide-outfitter, marine mammal guide-outfitter, or transporter does not apply for renewal of the guide-outfitter license, marine mammal guide-outfitter license, or transporter license, the commercial use permit fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued."

P16
L22-
P17 L2

Renumber the following bill sections accordingly.

Page 20, L 14
Page 15, line 19:

Delete "sec. 4"

Insert "sec. 5"

Page 16, following line 2:

Insert a new bill section to read:

p 20 **** *21*
229 229 Sec. ~~18~~ TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSE-
p 21
214 QUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.-
360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by
sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act,
AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as
amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of
this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act apply to
initial applications for and renewals of guide-outfitter licenses, marine
mammal guide-outfitter licenses, and transporter licenses for 1991 and
subsequent years and to payment of commercial use permit fees for 1991 and
subsequent years. Applicants for guide-outfitter licenses, marine mammal
guide-outfitter licenses, and transporter licenses for 1990 or for renewal
of these licenses for 1990 shall pay the commercial use permit fee in
accordance with AS 08.54 as it existed on the day before the effective date
of this section."

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

✓ Page 3, following line 15:

Insert a new subsection to read:

P3
217-20

"(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."

- 08.54.620 - application of guide-outfitter use area
- 630 - G/O use area permit; registration permit
- 640 - app for a guide-outfitter use area
- 650 - Procedure for recording G/O use area permit
- 660 - Term + suspension or revocation of guide-outfitter use area permit, operations plan
- 670 - Assignment of G-O use area permit
- 680 - Info on G/O use areas
- 690 - Definitions

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 422 (Resources)

adopted

Page 17, line 14, after "carriage":

Insert ", to, from, or in the field,"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

✓ Page 1, line 9, after "services":

Insert ", and commercial use permits"

Title

kill

✓ Page 8, lines 23 - 25:

Delete all material.

*relates to wildlife conservation fee
which is being replaced with
a progressive, per-client ~~method~~ method
of charging for the resource.*

Reletter the following subsection accordingly.

Page 11, following line 7:

Insert a new bill section to read:

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

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

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

(4) has passed the qualification examinations prepared and

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

P.O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

March 26, 1990

Honorable Bettye Fahrenkamp
Chairman
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

I have met with the Alaska Air Carriers Association regarding the future implementation of the reporting requirements contained in Section 15 of the proposed committee substitute for SB 422, which the commercial air carriers have agreed to support for the purposes of assisting the Department of Fish and Game in obtaining information which may be helpful in future harvest decisions and the Commercial Services Board in the regulation of the commercial big game hunting industry.

The report required of this section will be a one-page form which will ask for the number of hunters flown to, from, or in the "field," as defined in current law; the type of transportation provided; the big game harvested; and the area in which the hunt was conducted. It will be designed to be as simple as possible, to avoid putting undue administrative burden on air carrier employees and their customers (i.e., big game hunters). Data will not be requested from carriers for hunters flown between federal, state, and municipal airports or air strips. The report will be filed once a year (by January 31) for the previous year's activity.

Transporters are being defined in Section 16 of the bill as those air carriers which advertise to attract big game hunters and those which charge more than customary charter rates to hunters. The amendment in Section 16 of SB 422 removes the controversial "incidental" standard in present law. The new standard will be easier to enforce than the existing vague language.

The term "advertise" will require definition through regulation. Advertising in newspapers and brochures, on television and radio, and through participation at hunting shows and expositions exemplifies the kind of advertising on which the Commercial Services Board will focus.

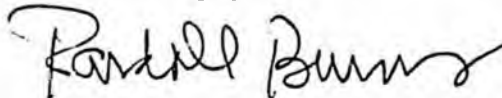
Honorable Bettye Fahrenkamp

-2-

March 26, 1990

I am pleased that we have been able to reach agreement on this matter with the air carriers. I also want to take the opportunity to thank you, the members of the Senate Resources Committee, and your staff assistant, Nancy Peterson, for the time and work the committee has put in again this year on big game commercial services legislation.

Sincerely yours,

A handwritten signature in cursive script that reads "Randall Burns".

Randall P. Burns
Director

RPB/wfd
LGJOBS
32690a

cc: All Members, Big Game Commercial Services Board

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

March 23, 1990

The Honorable Betty Fahrenkamp
Chair
Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

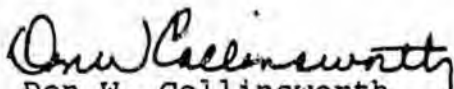
We appreciate your efforts toward accommodating concerns regarding Senate Bill 422 to enable its passage out of the Senate Resources Committee. Toward that end, we would like to clarify our intent regarding the reporting requirement for air taxi operators who commercially transport big game hunters, their equipment, or harvested big game animals to, from, or in the field (CS for Senate Bill 422, Section 16, work draft of March 21, 1990).

We support the intent of language in Section 16 that all air carriers subject to AS 42.30.200 shall annually submit an activity report regarding the commercial transport of big game hunters, related gear, and harvested animals. This would include licensed transporters as required under AS 08.54.400, as well as those air taxi operators who transport hunters but are not required to obtain a transporter license.

The department needs the information that would be provided in the activity reports to help assess the effort and resulting harvest of big game animals associated with commercial transportation services, versus other modes of access. The information we desire are such items as the number of big game hunters, their destination by game management unit or subunit, and the species and number of harvested big game animals that were transported.

We appreciate the opportunity to comment, and commend the committee for its thorough analysis and consideration of SB 422. Please do not hesitate to contact Molly McCammon of my office if we can be of further assistance.

Sincerely,


Don W. Collinsworth
Commissioner

cc: Lew Pamplin, Director, Division of Wildlife Conservation

Alaska State Legislature

Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman
Senator Jay Kerttula, Vice Chairman
Senator Dick Eliason
Senator Steve Frank
Senator Rick Hallford
Senator Arliss Sturgulevski
Senator Fred Zharoff



P.O. Box V
Juneau, Alaska 99811
(907) 465-4907

To: Senate Resources Committee members

From: Nancy Petersen
Staff, Senate Resources Committee
List with section changes

Re: ~~Changes~~ from the original version SB 422
to CS SB 422 (Res) dated 3/24/90 6-1718E

Date: March 26, 1990

| <u>CS SB 422 (Res)</u> | <u>SB 422</u> |
|---|---------------|
| Sec. 1 Findings and Purpose | Sec. 1 |
| Sec. 2 Guide-Outfitter Use Areas | Sec. 2 |
| Sec. 3 AS 08.54.310 | Sec. 3 |
| Sec. 4 AS 08.54.350 (a) | |
| Sec. 5 GMU Certification | Sec. 4 |
| Sec. 6 (Az) AS 08.54.360 (a) Guide Outfitter C.U.P. initial fee | |
| Sec. 7 (Az) AS 08.54.370 (a) Guide Outfitter C.U.P. renewal fee | |
| Sec. 8 (Az) AS 08.54.400 (a) Transporter C.U.P. initial fee | |
| Sec. 9 (Az) AS 08.54.400 (c) Transporter C.U.P. renewal fee | |
| Sec. 10 (Az) AS 08.54.460 (a) Other C.U. providers, C.U.P. fee | |
| Sec. 11 (Az) AS 08.54.470 (a) Annual C.U. P. | |
| Sec. 12 (Az) AS 08.54.470 (b) Progressive fee for transporters Progressive fee for guide-outfitters | |
| Sec. 13 (Az) AS 08.54.470 (c) Collection of C.U.P. fee | |
| Sec. 14 (Ax) AS 08.54.470 Exemption provision for retired or inactive Guide-Outfitters | |

Page 2

| | |
|--|---------------|
| <u>CS SB 422 (Res)</u> | <u>SB 422</u> |
| | was: |
| Sec. 15 (As) AS 08.54.560 Transporter Reports | |
| Sec. 16 Definition of transportation services | Sec. 7 |
| Sec. 17 Identification of Proposed Guide-Outfitter Use Areas | Sec. 8 |
| Sec. 18 Preliminary Determination of Eligibility for Guide-Outfitters | Sec. 9 |
| Sec. 19 Offering of Areas | Sec. 10 |
| Sec. 20 (At) AS 08.54.440 effective date | |
| Sec. 21 (Az) Transition; C.U.P. fee | |
| Sec. 22 Severability | Sec. 11 |
| Sec. 23 Sec. 20 retro date | Sec. 13 |
| Sec. 24 Repealer | Sec. 12 |
| Sec. 25 Sec. 20 & 23, efd. | Sec. 15 |

Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523

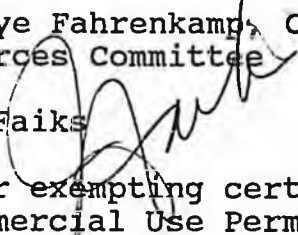
JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

February 23, 1990

MEMORANDUM:

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senator Jan Faiks 

SUBJECT: Amendment for exempting certain Guide-Outfitters
from the Commercial Use Permit

On behalf of several licensed but inactive guide-outfitters, I am requesting your consideration of the attached amendment to Senate Bill 422.

The amendment would provide a waiver or exemption from the Commercial Use Permit (CUP), which includes a fee of \$100. The guide-outfitters believe that the CUP was to be charged to those commercial license holders who are actively involved in the commercial activity for which they are licensed. They see a need for an exemption to cover those who are retired or otherwise inactive for a season or more and are not commercially using the resources of the state.

A M E N D M E N T

OFFERED IN THE SENATE

BY SEN. FAIKS

TO: SB 422

Page 12, following line 3:

Insert a new bill section to read:

"* Sec. 6. AS 08.54.470 is amended by adding a new subsection to read:

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

Renumber the following bill sections accordingly.

Sen. Fabrikant
e CSSB 422
(Res)

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 1, line 8, after "transporters"

Insert "and air carriers"

Page ¹⁷ 13, lines ^{29, P18 L 1-4} ~~6-10~~

Delete all material and insert:

"(B) by an air taxi operator or air carrier who does not

(i) charge more than the tariff or charter rate, if listed, for [WHICH] the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or

(ii) advertise big game commercial services to the public [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD, PORTION OF ITS BUSINESS];

* Sec. ¹⁵ ~~8~~. AS ^{08.54} ~~42.30~~ is amended by adding a new section to read:

Sec. ^{08.54.560} ~~42.30.230~~. REPORTS RELATING TO CARRIAGE OF BIG GAME HUNTERS. (a) A person who is subject to AS 42.30.200 shall submit to the department by January 31 of each year an activity report relating to the carriage of big game hunters, their equipment, and big game animals harvested by hunters during the preceding year. The report shall be made on a form provided by the department and must contain

P19
L-11-19

information required by the Big Game Commercial Services Board by regulation.

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

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Title Page 1, line 9, after "services":

Insert "; and providing for an effective date" *Title*

Page ²⁰16, following line ²⁷2:

Insert a new bill section to read:

"* Sec. ²⁰11. The operation of AS 08.54.440 is suspended until January 1, 1991."

Renumber the following bill section accordingly.

Page ²¹16, ^{L19}following line 6:

Insert a new bill section to read:

"* Sec. ²⁷13. Section ²⁰11 of this Act is retroactive to May 12, 1989."

Renumber the following bill section accordingly.

Page ²¹16, ^{L21,22}following line 4:

Insert a new bill section to read:

"* Sec. ²⁵18. Sections ²⁰11 and ²⁰13 of this Act take effect immediately under AS 01.10.070(c)."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 3, following line 15:

Insert a new subsection to read:

"(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."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 4, line 8:

Delete "or"

Insert ","

Page 4, line 9:

After "permittee":

Insert ", automatically revoked under AS 08.54.660,"

After "offered":

Insert "by the board"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 9, following line 17:

Insert a new subsection to read:

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

Reletter the following subsections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 12, following line 3:

Insert a new bill section to read:

"* Sec. 6. AS 08.54.470 is amended by adding a new subsection to read:

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

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 1, line 9, after "services":

Insert ", and commercial use permits"

Page 8, lines 23 - 25:

Delete all material.

Reletter the following subsection accordingly.

Page 11, following line 7:

Insert a new bill section to read:

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

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

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

(4) has passed the qualification examinations prepared and

administered by the board;

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

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

(7) has been licensed as and performed the services of a class-A assistant guide-outfitter or assistant guide-outfitter in the state for a part of each of three years, or has guide-outfitted in the state for a part of each of three years under a marine mammal guide-outfitter license issued under AS 08.54.360;

(8) has demonstrated a current knowledge of fishing, hunting, and guide-outfitting regulations;

(9) is capable of performing the essential duties associated with guide-outfitting;

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

(11) possesses a business license to provide

guide-outfitting services; and

(12) has paid the license fee and has applied for a commercial use permit [FEE]."

Renumber the following bill section accordingly.

Page 11, line 20, through page 12, line 26:

Delete all material and insert:

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

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

(1) is 21 years of age or older;

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

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

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

(A) current fish and game laws and regulations;

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

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

- (F) firearm safety;
- (G) practical first aid; and
- (H) booking and contracting hunts;

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

(6) possesses a business license to provide guide-outfitting services; and

(7) has paid the license fee and has applied for a commercial use permit [FEE].

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

(a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

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

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

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

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

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

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

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

(2) pays the license fee;

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

(4) provides proof of

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

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

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

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

(c) An applicant for renewal of a transporter license shall submit with the application for renewal

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

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

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

(4) proof of

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

(B) licensure by the Coast Guard to carry passengers

for hire, if the applicant provides water transportation services to big game hunters and if licensure is required by the Coast Guard.

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

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

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

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

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

(b) The commercial use permit fee shall be

(1) set by the department, in consultation with the board, for transporters on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter during the period for which the permit was issued;

(2) for guide-outfitters and marine mammal guide-outfitters, equal to the following amounts based on the number of clients guide-outfitted by the guide-outfitter or marine mammal guide-outfitter during the period for which the permit was issued:

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

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

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for [ISSUANCE OR] renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license. If the guide-outfitter, marine mammal guide-outfitter, or transporter does not apply for renewal of the guide-outfitter license, marine mammal guide-outfitter license, or transporter license, the commercial use permit fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued."

Renumber the following bill sections accordingly.

Page 15, line 19:

Delete "sec. 4"

Insert "sec. 5"

Page 16, following line 2:

Insert a new bill section to read:

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

Renumber the following bill sections accordingly.

A M E N D M E N T

↓
Sen. Fahrenkamp
w/ memo

OFFERED IN THE SENATE

TO: SB 422

Page 9, line 27 through page 10, line 3:

Delete all material.

Reletter the following subsections accordingly.

STATE OF ALASKA
THE LEGISLATURE

COPY

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 21, 1990

SUBJECT: Proposed amendment relating to assignments of
use area permits (6-1718Aaa)

TC: Senator Bettye Fahrenkamp
Chair Senate Resources Committee

FROM: George Utermohle
Legislative Counsel

Amendment 6-1718Aaa to SB 422 proposes the deletion of subsection (b) from AS 08.54.670 (Page 9, line 27 through page 10, line 3).

The material to be deleted prevents a guide-outfitter from selling lodges, cabins, boats, aircraft, and other equipment to another guide-outfitter who is the assignee of a use area permit formerly held by the seller of the property and equipment at a price that exceeded the replacement value of the property.

One of the objections that the Alaska Supreme Court had to the former exclusive guiding area system in the Owsichek decision was that the guides could treat an exclusive guiding area as personal property and sell it to other guides. The ability of a guide to sell an exclusive guiding area was one of those attributes of an exclusive franchise to use game that the court found to violate the common use clause of the Alaska Constitution. The Task Force on Guiding and Game addressed this issue in its proposal for guide-outfitter use areas by allowing guide-outfitters to assign their use areas to other guide-outfitters but prohibited them from selling the permit or otherwise receiving anything of value in exchange for the assignment of the permit. In order to prevent a guide-outfitter from receiving a payment for the assignment of the permit under the guise of selling other property to the assignee, the Task Force prohibited the guide-outfitter from receiving more than the replacement value for the property. The assumption was that if the assignee of the permit paid more than the replacement value of

A M E N D M E N T

Sen. Fahrenkamp

OFFERED IN THE SENATE

TO: CSSB 422 (Resources)

Page 17, line 14, after "carriage":

Insert ", to, from, or in the field,"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 448

Page 1, line 9, after "services":

Insert "; and providing for an effective date"

Page 16, following line 2:

Insert a new bill section to read:

"* Sec. 11. The operation of AS 08.54.440 is suspended until January 1, 1991."

Renumber the following bill section accordingly.

Page 16, following line 6:

Insert a new bill section to read:

"* Sec. 13. Section 11 of this Act is retroactive to May 12, 1989."

Renumber the following bill section accordingly.

Page 16, following line 7:

Insert a new bill section to read:

"* Sec. 15. Sections 11 and 13 of this Act take effect immediately under AS 01.10.070(c)."

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 448

Page 3, following line 15:

Insert a new subsection to read:

"(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."

*under all low season
transition*

1 1/2 - 2 yrs

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 448

Page 4, line 8:

Delete "or"

Insert ", "

*Comes
back
to the
board
and is
then offered*

Page 4, line 9:

After "permittee":

Insert ", automatically revoked under AS 08.54.660,"

After "offered":

Insert "by the board"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 448

Page 9, following line 17:

Insert a new subsection to read:

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

Reletter the following subsections accordingly.

Ag

Transfer
of permit

Article

Use area

to not be used
under existing

Use area permit
should become B

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 448

Page 12, following line 3:

Insert a new bill section to read:

"* Sec. 6. AS 08.54.470 is amended by adding a new subsection to read:

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

Renumber the following bill sections accordingly.

*Added
to HB 448
by
Utermohle*

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 448

Page 12, line 27 through page 13, line 10:

Delete all material.

Insert a new bill section to read:

"* Sec. 7. AS 08.54.590(13) is repealed and reenacted to read:

(13) "transportation services" means carriage of or advertising to carry, for compensation, big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters on nonstop flights between state or federally maintained airports or float plane docks;"

*- defining air
transportation
to include
float plane docks
(see AS 08.54.590(13))*

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. FOSTER

TO: HB 448

Page 13, lines 6 - 10:

Delete all material and insert:

"(B) by an air taxi operator or air carrier

(i) for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental, as defined by the board, portion of its business;

(ii) who does not advertise big game commercial services to the public; or

(iii) who does not charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters;"

*Pick up these
afford PKG
prices*

*Impact on
the by transp.
services in the
state
- that has to do with
restrict all things
when it comes to
or permit
new
transportation*

*under the
of the
transportation*

*OK all
carriers*

the impact on

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 448

Page 1, line 9, after "services":

Insert ", and commercial use permits"

Page 8, lines 23 - 25:

Delete all material.

Reletter the following subsections accordingly.

Page 11, line 28, after ";":

Insert "and"

Page 12, lines 1 - 3:

Delete "; and

(5) the wildlife conservation fee for the period covered by
the current license"

Page 12, lines 4 - 26:

Delete all material and insert:

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

(a) A person, other than a guide-outfitter, marine mammal guide-outfitter, or a transporter, who provides other big game commercial

services for compensation shall register with the board on a form provided by the board and shall obtain a commercial use permit and pay the annual commercial use permit fee set by the department in consultation with the board [UNDER AS 08.54.470]. In this section, "other big game commercial services" includes provision of accommodations in the field at a permanent lodge, house, or cabin owned by the commercial use permit holder, hunt broker services, gear rental services, photographic or videographic services, and services as defined by the board by regulation.

* Sec. 7. AS 08.54.470(b) is amended to read:

(b) The department, in consultation with the board, shall set the amount of the commercial use permit fee for

(1) transporters;

(2) marine mammal guide-outfitters;

(3) guide-outfitters who do not hold a registration permit or guide-outfitter use area permit;

(4) guide-outfitters who hold a registration permit but do not hold a guide-outfitter use area permit; and

(5) guide-outfitters who hold a guide-outfitter use area permit; the fee for a commercial use permit under this paragraph shall be based on the number of clients permitted under the use area permit, the size of the use area, the term of the use area permit, the big game species to be hunted under the use area permit, and the number of use area permits held by the guide-outfitter but may not exceed \$1,500 for each use area permit held by the guide-outfitter."

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. MENARD

TO: CSHB 448 (Resources)

Page 11, following line 13:

Insert a new bill section to read:

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

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

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

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

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

(6) has legally hunted in the state for part of each of any five years in a manner directly contributing to the person's

experience and competency as a guide-outfitter;

(7) has been licensed as and performed the services of a class-A assistant guide-outfitter or assistant guide-outfitter in the state for a part of each of three years, or has guide-outfitted in the state for a part of each of three years under a marine mammal guide-outfitter license issued under AS 08.54.360;

(8) has demonstrated a current knowledge of fishing, hunting, and guide-outfitting regulations;

(9) is capable of performing the essential duties associated with guide-outfitting;

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

(11) possesses a business license to provide guide-outfitting services; and

(12) has paid the license fee and has applied for a commercial use permit [FEE]."

*pd fee
+ has
applied
for*

Renumber the following bill section accordingly.

*8/15/90
W.C.F.
- Board of Wildlife
- 1100 E. 1st Street
- Anchorage, Alaska*

Page 11, line 26, through page 12, line 7:

Delete all material and insert:

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

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

(1) is 21 years of age or older;

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

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

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

(A) current fish and game laws and regulations;

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

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

(F) firearm safety;

(G) practical first aid; and

(H) booking and contracting hunts;

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

(6) possesses a business license to provide

big game hunters and if licensure is required by the Coast Guard;
and

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

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

Renewal

(c) An applicant for renewal of a transporter license shall submit with the application for renewal

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

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

(3) the commercial use permit fee for the [NEXT LICENSING]

for period }

period covered by the current permit; and

(4) proof of

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

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

Renumber the following bill section accordingly.

Page 12, line 20, through page 13, line 6:

Delete all material and insert:

CUP

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

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

pay fee CUP

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

(b) The commercial use permit fee shall be

transporter

(1) set by the department, in consultation with the board, for transporters on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter during the period for which the permit was issued; *Per set*

guide-out

(2) for guide-outfitters and marine mammal guide-outfitters, equal to the following amounts based on the number of clients guide-outfitted by the guide-outfitter or marine mammal guide-outfitter during the period for which the permit was issued:

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

just one fee + renewal fee

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

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for [ISSUANCE OR] renewal of a guide-outfitter license, marine

mammal guide-outfitter license, or transporter license. If the guide-outfitter, marine mammal guide-outfitter, or transporter does not apply for renewal of the guide-outfitter license, marine mammal guide-outfitter license, or transporter license, the commercial use permit fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued."

Renumber the following bill sections accordingly.

Page 16, line 1:

Delete "sec. 4"

Insert "sec. 5"

Page 16, following line 15:

Insert a new bill section to read:

"* Sec. 20. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSEQUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.-360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act, AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act apply to initial applications + renewals of guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1991 and subsequent years and to payment of commercial use permit fees for 1991 and subsequent years. Applicants for guide-outfitter licenses, marine mammal guide-outfitter licenses, and

applies to renewals of licenses 1991
e.f.d. 1991?

transporter licenses for 1990 or for renewal of these licenses for 199 shall pay the commercial use permit fee in accordance with AS 08.54 as it existed on the day before the effective date of this section."

Renumber the following bill sections accordingly.

Page 16, line 20:

Delete "Section 13"

Insert "Section 19"

Page 16, line 26:

Delete "13 and 15"

Insert "19 and 22"

3/9/90

new:

① legal =

→ new
fair + equal opportunity
do not have a leg. up.

② AG =

will be challenged by it
1st year critical

As important in AS
affirmative action = no

Draft CS:
P4
13-16

rtn to the board. Not necessary.

P8
L 28-29

if no lic

P9
L 21, 22 - sold lease or otherwise assigned

→ S.L. syst. - conveyed transferred
define by reg - otherwise assigned

P10 (c) L 3-8

P10 L 3-8

value permit - value lodge =

→ free market

- RB thinks guides would love to
have it out.

- BK - will I with Steve

P6 - Section 12

Amend

Sec 20 =

draft

AMENDMENT NO. 2

OFFERED IN THE SENATE

TO: CSSB 422(Resources):

Page 17, Line 28, after "docks":

Insert: ", unless the air taxi operator or air carrier providing transportation services on flights between maintained airports advertises big game commercial ~~hunting~~ services that benefit an air taxi operator or air carrier that is a subsidiary, affiliate, or contractor of the air taxi operator or air carrier advertising its services"

Page 18, Line 3, after "hunters":

Insert: ", unless the operator or carrier providing transportation services advertises big game commercial ~~hunting~~ services; in this paragraph, "advertises" or "advertising" means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media specifically directed to big game hunters, including advertising at trade shows or the use of hunt broker services"

*or other promotional services
mm*

adopted Sen Fin

09910/rpb

AMENDMENT NO. 3 *12**draft*

OFFERED IN THE SENATE

TO: CSSB 422(Resources)

Page 21, Line 15:

Insert a new section to read:

1/20/91

"* Sec. 22. TRANSITION; AIR CARRIER ADVERTISING. Air taxi operators or air carriers not required under Sec. 16 of this Act to be licensed as a transporter on or before January 1, 1991 but whose publicity brochures or other print media produced prior to June 1, 1990 contain advertisements for big game commercial hunting services that remain in circulation or use after January 1, 1991 will not be considered as advertising big game commercial hunting services through December 31, 1991. In no event will an air carrier be required to become licensed as an operator simply because print media produced prior to June 30, 1990 was still in circulation after December 31, 1991." *april*

Renumber the following sections accordingly.

Page 21, Line 22, after "AS 01.10.070(c)":

Insert new sections to read:

"* Sec. 26. Subparagraphs (A) and (B) of AS 08.54.590(13), as contained in Section 16 of this Act, take effect on January 1, 1991."

0655o/rpb

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. FOSTER

TO: HB 448

Page 13, lines 6 - 10:

Delete all material and insert:

"(B) by an air taxi operator or air carrier

(i) for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental, as defined by the board, portion of its business;

(ii) who does not advertise big game commercial services to the public; or

(iii) who does not charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters;"

February 28, 1990

MEMORANDUM:

TO: Jan
FROM: Mark
SUBJECT: Amendment to Guide Area Bill - SB 422

A staff meeting was held at House Resources to discuss five problem areas with the guide area bill. Participants included Johanna Munson of House Resources, Nancy Peterson of Senate Resources, Beth Kerttula and Steve White of AG's office, Randall Burns of Occup. Licensing and me.

AREAS OF CONCERN:

- (1) Transporters and word "incidental"
 - (2) Wildlife Conservation Fee
 - (3) Transition Period for the bill
 - (4) Prohibition on leasing and sale of areas
 - (5) Effective date of legislation
- Plus the Andy Kline situation
Plus clarification of part of bill

TRANSPORTERS/"incidental"

Amend existing law from last year to eliminate the word "incidental" and simply replace it with the definition used for incidental - removing the red flag. would say something like a transporter is one who flies into the field and/or advertises.

WILDLIFE CONSERVATION FEE

It was determined to be most expedient to expand the Commercial Use Permit fee and ELIMINATE the Wildlife Conservation fee. (consolidate as much into CUP as possible while eliminating as many fees as possible)

Establish the fee for guide-outfitters WITH areas, those WITHOUT areas and separately for transporters. Establish a CAP for the fee - possibly \$1000 and have fee determined by area SIZE and length of TERM (Randall will speak with

Marianne See at F&G regarding determining fee by area size)

(Randall suggested working backward to determine fee - how much money is needed, how many guides/etc, how much from each)

TRANSITION PERIOD

Need language to enable operation under existing scheme until new law takes effect.

PROHIBITION OF LEASING AND SALE

Assist AG Steve White noted there is no prohibition on an area permit holder from selling or leasing etc. Need to add statement: "holder of an area permit cannot sell, lease or transfer a use area permit"

EFFECTIVE DATE

Bill has no specific effective date. It was determined best to leave as is. -----

SEPARATE SUBJECTS:

**The former guide-outfitters who's licenses have lapsed - i.e. Andy Kline - under existing law passed last year, they must take test, etc if license is lapsed more than two years. Randall offered suggested amendment to provide a 4 year time period. This would affect about half dozen people.

NOTE: Ken Owsichek has now paid his back license fees and is to or has received his guide-outfitter license.

**Burns requested a wording change to the bill - page four line 8

(d) Use areas for which use area permits have expired <,> eliminate "or" been relinquished by the permittee or revoked by the board <add:"return automatically to the board and"...> may be offered at the next offering of use areas.

The group agreed this would clarify the passage to show that when an area permit is relinquished, etc, it automatically goes BACK to the board and MAY then be offered for lease.

Johanna Munson of Rep. Menard's office will contact George Utermohle to complete the amendments.

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Sec. 08.54.460. Commercial use permit holder. (a) A person, other than a guide-outfitter, marine mammal guide-outfitter, or a transporter, who provides other big game commercial services for compensation shall register with the board on a form provided by the board and shall obtain a commercial use permit and pay the annual commercial use permit fee set under AS 08.54.470. In this section "other big game commercial services" includes provision of accommodations in the field at a permanent lodge, house, or cabin owned by the commercial use permit holder, hunt broker services, gear rental services, photographic or videographic services, and services as defined by the board by regulation.

(b) A commercial use permit may not be issued to a hunting club. A hunting club may not provide other big game commercial services for compensation. (§ 3 ch 37 SLA 1989)

Sec. 08.54.470. Commercial use permit and fee. (a) A person who is licensed under this chapter as a guide-outfitter, marine mammal guide-outfitter, or transporter shall obtain an annual commercial use permit and pay an annual commercial use permit fee.

(b) The department, in consultation with the board, shall set the amount of the commercial use permit fee.

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for issuance or renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license.

(d) The commissioner of administration shall separately account for commercial use permit fees deposited in the general fund by the department. The annual estimated balance in the account may be used by the legislature to make appropriations to the Department of Fish and Game and the Department of Public Safety to carry out their respective responsibilities for management of game resources and enforcement of game laws. (§ 3 ch 37 SLA 1989)

Article 3. Discipline and Unlawful Acts.

| | |
|---|---|
| Section | Section |
| 500. Discipline of guide-outfitters | 520. Unlawful acts |
| 505. Discipline of transporters and commercial use permittees | 530. Injunction against unlawful action |
| 510. Discipline; general provisions | 540. Responsibility of guide-outfitter for violations |

Effective date of article. — Section 22, ch. 37, SLA 1989, makes this article effective May 12, 1989, in accordance with AS 01.10.070(c).

A M E N D M E N T

OFFERED IN THE SENATE

BY SEN. BINKLEY

TO: CSSB 422 (Resources)

Page 18, line 3, after "hunters":

Insert "; in this paragraph, "advertising" means soliciting big game hunters to be customers of an air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media specifically directed to big game hunters, through trade shows, or through hunt broker services; "advertising" does not include the use of nonspecific promotional materials that may use the terms "hunting" or "big game hunting" in a list of activities such as sightseeing, photography, fishing, backpacking, and other outdoor activities"

*however
nonspecific promotional materials do not include
brochures*

A M E N D M E N T

OFFERED IN THE SENATE

BY SEN. BINKLEY

TO: CSSB 422 (Resources)

Page 14, line 17, after "permit":

Insert ", if required under AS 08.54.470"

Page 15, line 7, following "permit":

Insert ", if the applicant was required to obtain a permit under AS 08.54.470"

Page 16, line 3, following ".":

Insert "However, a transporter^{who does not} who provides only air transportation services and who does not charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters is exempt from the requirement to obtain a commercial use permit or to pay the commercial use permit fee."

4/16/90

TELECOPY COVER SHEET
SENATOR BETTYE FAHRENKAMP
(907) 465-3834

TO: Mr. Bill Horn

FOR: _____

PHONE: _____

FROM: Nancy, Sen. Fahrenkamp's etc.

PHONE: _____

INSTRUCTIONS: The House Judiciary Committee is considering adopting this language. (The guides hired an atty who is forwarding this lang.) Do the changes in criteria meet the "open access to the

DATE/TIME SENT: _____

PLEASE ACK. RECEIPT: _____

NUMBER OF PAGES (NOT COUNTING COVER SHEET): _____

system, or is it stacked to favor seniority? We'd appreciate your scrutiny + comments. The bill is up in senate finance, perhaps as early as tomorrow morning.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 448 (Resources)

Page 6, line 8, through page 8, line 9:

Delete all material and insert:

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

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

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

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

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

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

(5) the applicant's

(A) experience, including experience as a guide-outfitter, an assistant guide-outfitter, or as a participant in activities directly related to guide-outfitting operations;

(B) knowledge of the use area, including knowledge of the geography, climatic conditions, flora and fauna, and similar knowledge, including knowledge obtained by big game hunting in the use area, that would assist the applicant in guide-outfitting hunts in the use area;

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

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

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

(c) The board shall award a use area permit only to a qualified applicant. If the board determines that more applicants are qualified to receive a use area permit for a use area than there are use area permits available, then the board shall rank all applicants for the use area permit and shall select the best qualified applicants to

receive the available permits. The best qualified applicants are those who receive the highest ranking under the criteria set out in (b) of this section regulations adopted under (a) of this section.

(d) If a successful applicant does not provide, at the time the board awards the use area permit, proof of the permits and licenses necessary to guide-outfit hunts on state, federal, or private land in the use area from the significant or major landowners in the use area, the board shall issue a conditional use area permit that is valid for 120 days. A conditional use area permit does not entitle the permittee to guide-outfit hunts within the use area. If the successful applicant provides proof satisfactory to the board within 120 days after issuance of the conditional use area permit that the applicant has received the necessary permits and licenses and land use authorizations, the applicant shall be awarded a use area permit. If the successful applicant does not provide the required proof within 120 days after issuance of the conditional use area permit, the conditional use area permit is void. If a conditional use area permit is voided under this subsection, the board shall offer the use area permit to the next best qualified applicant for the use area."

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 448 (Resources)

Page 8, following line 9:

Insert a new section to read:

"Sec. 08.54.655. GUIDE-OUTFITTER USE AREA PERMIT FEE. (a) Notwithstanding AS 08.01.065, the department, in consultation with the board, shall set a fee for a guide-outfitter use area permit that

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

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

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

Adopted

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 448 (Resources)

Page 6, line 8, through page 8, line 9:

Delete all material and insert:

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

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

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

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

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

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

federal fish and game and guide-outfitting statutes and regulations;

(5) the applicant's

(A) ~~big game~~ hunting experience ^{AV more defensible} [in the use area,]

including experience as a guide-outfitter, an assistant guide-outfitter, or as a participant in activities directly related to guide-outfitting operations; ~~and~~

(B) knowledge of the use area, including knowledge of the geography, climatic conditions, the flora and fauna, and similar knowledge, including knowledge obtained by ^{big game} hunting in the use area, that would assist the applicant in guide-outfitting hunts in the use area;

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

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

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

(c) The board shall award a use area permit only to a qualified applicant. If the board determines that more applicants are qualified to receive a use area permit for a use area than there are use area permits available, then the board shall rank all applicants for the use area permit and shall select the best qualified applicants to

receive the available permits. The best qualified applicants are those who receive the highest ranking under the criteria set out in (b) of this section regulations adopted under (a) of this section.

(d) If a successful applicant does not provide, at the time the board awards the use area permit, proof of the permits and licenses necessary to guide-outfit hunts on state, federal, or private land in the use area from the significant or major landowners in the use area, the board shall issue a conditional use area permit that is valid for 120 days. A conditional use area permit does not entitle the permittee to guide-outfit hunts within the use area. If the successful applicant provides proof satisfactory to the board within 120 days after issuance of the conditional use area permit that the applicant has received the necessary permits and licenses and land use authorizations, the applicant shall be awarded a use area permit. If the successful applicant does not provide the required proof within 120 days after issuance of the conditional use area permit, the conditional use area permit is void. If a conditional use area permit is voided under this subsection, the board shall offer the use area permit to the next best qualified applicant for the use area."

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 448 (Resources)

Page 6, line 8, through page 8, line 9:

Delete all material and insert:

"Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA PERMIT. (a) The board shall adopt by regulation procedures for evaluating and ranking the qualifications of applicants for guide-outfitter use area permits. The procedures must appropriately balance the criteria included under (b) of this section to ensure that all applicants are afforded a fair opportunity to obtain a use area permit in those game management units for which the applicant is certified by the board.

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

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

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

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

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

(5) the applicant's ^{OK}

Circle as is
(A) ~~big game hunting~~ ^{OK} experience [in the use area] including experience as a guide-outfitter, an assistant guide-outfitter, or as a participant in activities directly related to guide-outfitting operations; ~~and~~

(B) knowledge of the use area, including knowledge of the geography, climatic conditions, the flora and fauna, and similar knowledge, including knowledge obtained by ~~big game~~ hunting in the use area, that would assist the applicant in guide-outfitting hunts in the use area;

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

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

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

changed
(c) The board may adopt regulations to define or clarify the criteria set out in (b) of this section.

(d) The board shall award a use area permit only to a qualified applicant. If the board determines that more applicants are qualified to receive a use area permit for a use area than there are use area permits available, then the board shall rank all applicants for the

use area permit and shall select the best qualified applicants to receive the available permits. The best qualified applicants are those who receive the highest ranking under the criteria set out in (b) of this section as defined or clarified by regulations, if any, adopted under (c) of this section.

(e) If a successful applicant does not provide, at the time the board awards the use area permit, proof of the permits and licenses necessary to guide-outfit hunts on state, federal, or private land in the use area from the significant or major landowners in the use area, the board shall issue a conditional use area permit that is valid for 120 days. A conditional use area permit does not entitle the permittee to guide-outfit hunts within the use area. If the successful applicant provides proof satisfactory to the board within 120 days after issuance of the conditional use area permit that the applicant has received the necessary permits and licenses and land use authorizations, the applicant shall be awarded a use area permit. If the successful applicant does not provide the required proof within 120 days after issuance of the conditional use area permit, the conditional use area permit is void. If a conditional use area permit is voided under this subsection, the board shall offer the use area permit to the next best qualified applicant for the use area."

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 448 (Resources)

Page 8, following line 9:

Insert a new section to read:

"Sec. 08.54.655. GUIDE-OUTFITTER USE AREA PERMIT FEE.
Notwithstanding AS 08.01.065, the department shall set a fee for
guide-outfitter use area permits that

(1) reflects the value of the privileges conferred by the
use area permit, including the term for which the use area permit is
issued, the number of clients that may be guide-outfitted in the use
area under the use area permit, the big game species for which hunts
may be guide-outfitted under the use area permit, and whether the use
area permit is for sole or joint use of the use area; and

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

CS SB 442(Res.) (Guide-Outfitters)

Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA PERMIT. (a) The board shall adopt by regulation procedures for evaluating and ranking the qualifications of applicants for guide-outfitter use area permits. The procedures must appropriately balance the criteria included under (b) of this section to ensure that all applicants are afforded a fair opportunity to obtain a use area permit in those game management units for which the applicant is certified by the board.

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

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

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

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

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

(a)

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E

~~hunting~~

(5) the applicant's ^{hunting} experience ⁱⁿ the use area ^{including} experience as a guide, an assistant guide, or as a participant in activities directly related to guiding operations; ~~and~~ ~~OK?~~

(b)

(6) the applicant's knowledge of the use area, including knowledge of the geography of the area, the climatic conditions of the area, knowledge of the flora and fauna of the area, and similar knowledge that would assist the applicant in the guiding of hunts in the use area;

big gap

gained through including hunting

^{in the use area} ~~including~~ ~~hunting~~

ok

(7) the applicant's history of compliance with AS 08.54.520(a) in regard to prior authorization to enter or remain on state, federal, or private land;

ok

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

ok

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

now

(c) The board may adopt by regulation additional standards for the evaluation of applications in order to define or clarify the criteria provided under (b) of this section.

(d) The board shall award a use area permit only to a qualified applicant. If the board determines that more

applicants are qualified to receive a permit for a use area than there are use area permits available, then the board shall rank all applicants for the use area and shall select the best qualified applicants to receive the available permits. The best qualified applicants are those who receive the highest ranking under the criteria provided in (b) of this section and regulations adopted under (c) of this section.

same

(e) If a successful applicant does not provide, at the time the board awards the use area permit, proof of the permits and licenses necessary to guide-outfit hunts on state, federal, or private land in the use area from the significant or major landowners in the use area, the board shall issue a conditional use area permit that is valid for 120 days. A conditional use area permit does not entitle the permittee to guide-outfit hunts within the use area. If the successful applicant provides proof satisfactory to the board within 120 days after issuance of the conditional use area permit that the applicant has received the necessary permits and licenses and land use authorizations, the applicant shall be awarded a use area permit. If the successful applicant does not provide the required proof within 120 days after issuance of the conditional use area permit, the conditional use area permit is void. If a conditional use area permit is voided under this subsection, the board shall offer the use area permit to the next best qualified applicant for the use area.

AMENDMENT CONCERNING FEES:

I. Page 16, lines 5-21, delete all material and replace with the following:

* Sec. 12. AS 08.54. 470(b) is repealed and re-enacted to read:

(b) The annual commercial use permit fee for a guide-outfitter is the sum of \$25 for each big game animal other than deer and \$5 for each deer taken by a client during the year. ~~The annual commercial use permit fee for a transporter is the sum of \$25 for each big game animal other than deer and \$5 for each deer that is (1) taken on a non-guide-outfitted hunt by a customer of the transporter, and (2) transported by the transporter.~~

min
max
gui-

II. At page 8, between lines 9 and 10, add a new section:

Sec. 08.54.655. SOLE OR JOINT USE AREA PERMIT FEE.

The board shall establish an annual permit fee for each guide-outfitter holding a sole or joint use area permit. The fee must be progressive, based on the number of clients guide-outfitted during the previous year by the guide-outfitter within the sole or joint use area for which the guide-outfitter holds a permit. ~~The~~ The minimum fee may not be less than \$250. ~~Guide-outfitters~~ Guide-outfitters shall pay the fee at the time at the time for renewal of guide-outfitters' licenses. Failure to renew a guide-outfitter's license does not excuse payment of the fee. This fee is in addition to the commercial use permit fee established under AS 08.54.470.

→ Bd inst. to est a fee that will provide fair + reas. compensation to the state.

Aug 22

AMENDMENT

OFFERED IN THE SENATE

TO: CS SB 422 (Resources)

P. 6, Line 9, Replace (a) with the following:

(a) The board shall adopt procedures for evaluating the qualifications of applicants for guide-outfitter use area permits. The procedures must appropriately balance the criteria included under (b) of this section to ensure that all applicants are afforded a fair opportunity to obtain a use area permit in those game management units for which the applicant is certified by the board.

*not
adopted
H/Res*

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. FOSTER

TO: HB 448

Page 13, lines 6 - 10:

Delete all material and insert:

"(B) by an air taxi operator or air carrier

(i) for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental, as defined by the board, portion of its business;

(ii) who does not advertise big game commercial services to the public; or

(iii) who does not charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters;"

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

STEVE COWPER, GOVERNOR

ARTHUR ENGLISH
COMMISSIONER

5700 EAST TUDOR ROAD
ANCHORAGE, ALASKA 99507
PHONE (907) 269-5509

April 18, 1990

The Honorable Senator Jan Faiks
P.O. Box "V"
Juneau, Alaska 99811

Dear Senator Faiks:

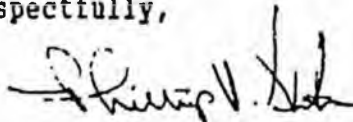
The attached memo from Sergeant D'Amico to myself is an expanded version of our testimony to the Senate Finance Committee on April 17, 1990.

I might add that this last fall on opening day of moose season I was present at an air taxi's base of operations. There were 100 hunters waiting to be flown out by that particular air taxi. To say that flying hunters into the field was an incidental part of his income is a farce. He and many others derive much of their income indirectly from Alaska's game animals through this flying.

As I'm sure you recall the vast majority of the task force members felt that the air taxis need to be regulated. It is my recollection that there was also a substantial amount of testimony from rural Alaska residents as for the significant impact air taxis played on game in their areas. To allow air taxis to operate with no threat of punishment is as much a crime as what big game guides did during the 1960's with aircraft and aerial hunting.

If I or any member of Fish and Wildlife Protection can be of further assistance please do not hesitate to contact me.

Respectfully,



Captain Phillip V. Gilson
Enforcement Commander
Fish and Wildlife Protection

cc: Commissioner English
Colonel Jordan

PVG/cjn

MEMORANDUM

State of Alaska

TO: Captain Phil Gilson
Enforcement Commander
Fish & Wildlife Protection
Anchorage

DATE: April 17, 1990

FILE NO:

TELEPHONE NO: 269-5671

FROM: Sergeant Joe D'Amico
Commander-Statewide Investigations
Fish and Wildlife Protection
Anchorage

SUBJECT: Air Taxi/Transporter
Legislation

After reviewing both the C.S. for HB 448 and the C.S. for SB 422, I believe that the CS HB 448 is a substantially better piece of legislation. There are several reasons for this conclusion; however, simply stated CS HB 448 has less loopholes and would be easier to enforce. The amendments added today to the CS for SB 422 cripple it in such a fashion that we really cannot use it.

As you know I was the field supervisor for our special program last fall in the Iliamna, Port Alsworth, and Sparrevohn areas. Additionally, I have reviewed, supervised, or personally investigated virtually all of the major "commercial" wildlife cases for the Division since 1986. These experiences, coupled with my personal knowledge and experience as pilot/trooper in Bethel and Glennallen have led me to the following conclusions:

1. The Alaska Legislature has been generally receptive, supportive, and helpful in combatting illegal and unethical hunting. My conclusion is based upon a sequence of events that occurred in recent Alaska "big game" history. During the late 1970s and early 1980s the big game guiding industry was riddled with violators. Same day airborne, wanton waste, and closed season violations were commonplace. Even with the frequent and successful use of covert (undercover) operations, many guides were able to stay in business and even prosper. This was not only due to our weak guiding laws, but also because of the light criminal sentences that were the usual products of the prosecutions.

With some industry support, we were able to work with the legislature as three different guide laws were passed. Additionally, in the early 1980s a simple, comprehensive, and effective "waste" law was passed to attack those problems. By the way, this "waste" law, unchanged, is still on the books and working today. One of the guiding laws, SB 191 was, during its short life, probably the toughest guiding law in the nation. Even our current, milder, version is among the better ones I have reviewed. Armed with these laws, we were able to actually deter and reduce (not displace) "guiding" and "waste" violations. There is always room for improvement; however, currently, our compliance level is at a substantially higher level than it has been for years. An interesting side note, this current legislature has considered, or already passed a law (CS HB 20) which will assist us in prosecuting cases with multiple defendants.

2. Problem number two was the so-called "outfitter" problem. A series of covert operations again revealed that violations by this group was commonplace. Again, with the help of the legislature, adequate laws were enacted which have helped to bring this problem under control.

The key in both of these success stories is that the legislation that was passed was fairly simple (as legislation goes), but more importantly; it was enforceable!

3. Our current problem is with the last and completely unregulated group (of any size) of commercial game harvesters—the air taxi/air carriers. I know that they consider themselves simply providers of transportation. However, the long and the short of it is that they profit from the taking of our big game resources. If that is not a commercial use, what is it? Let me illustrate to you that this "point to point transportation service" is not the service they portray or actually provide in most of the cases.

The troopers of my section and I have attended many of the major sports shows in the United States. While assisting us, "agents" from other law enforcement agencies, have attended additional shows. What we have found is that the advertisements presented to the prospective clients at these shows portray these services as far more than "point to point transportation". With large signs exclaiming titles such as "Hunt Alaska," "Alaska Big Game Hunting," "Alaska Trophy Hunting," I find it difficult to understand how those can be considered simply "taxi services." Additionally, their brochures, which further advertise and illustrate their services, do not focus on nice clean aircraft and professional looking pilots. Instead, many of their brochures largely focus on dead trophy Alaskan big game animals, and happy successful big game clients. They also have developed more than one brochure, one showing flightseeing and actual charter services, and another devoted primarily to hunting and fishing.

One of the most frustrating situations that I have endured in my present position is not being able to assist clients who have been "cheated" by the unethical air taxi operators. Our problem is simple, there are basically no criminal laws governing the behavior of air taxis with regard to the treatment of clients, or their actions regarding game laws. In addition, they are not required to have a state license that a board could take action on. Finally, for all practical purposes, we have no Consumer Protection Agency (one attorney for the whole state). When I have referred serious cases to the A.G.'s Consumer Protection Office, they have refused to take them because of their case load. They did however take one "client satisfaction" case and successfully prosecuted a big game guide, however.

The complaints lodged by clients against their air taxis have been very consistent over the years:

a) Failure to provide the meat pick ups that have been agreed upon, scheduled, promised, and, in some cases, even paid for. As you know Waste of a Wild Food Animal as a very serious crime in Alaska. Here is a common scenario that our F.W.P. Troopers are regularly faced with: the client of an air taxi hikes out, kills a moose, and packs all of the meat back to the lake or other drop off point. So far so good. The air taxi has agreed to pick up meat on day number 4 or 5 of this 14 day trip. But, the air taxi does not arrive until the 14th day. He claims the weather has precluded him from coming sooner. However, the client, and our own troopers have seen that same air taxi flying almost daily during this entire time period in the same area. Our investigation reveals that the air taxi was extremely overbooked, and the flying that was witnessed was him dropping off even more hunters into an already crowded area. Now, because of 10 extra days without refrigeration, the meat is rotten. Who is to blame?

Legally, Alaska law requires the hunter to salvage the meat for human consumption, the air taxi is not criminally liable. But when the client brings it to the pick up point hasn't he met his legal liability? Especially when you discover he scheduled a meat pickup with the only person who knew where he was? However, had this same scenario occurred on a guide-outfitted hunt, the guide-outfitter would have been held accountable either criminally through the courts, or civilly to the board for license action.

During the fall of 1989 hunting season, I personally was involved with several cases just like this. In some cases we were able to telephone the air taxi and "pressure" them into getting the meat picked up. But many times it was too little, too late, and many pounds of meat rotted. Many of those clients left Alaska unsatisfied and vowed to not return.

Currently, my Sergeant-Investigator is investigating the most egregious of these complaints, which incidentally, involves one of the most prominent air taxi business in Alaska. My plan is to review the case based on the theory of a fraud case. When the case is reviewed, we will present it to the District Attorney's Office. I am not optimistic that they will prosecute it, as the Anchorage D.A.'s office has a policy where they refuse to bring up out of state witnesses for anything less than "B" Felonies. Our budget does not provide for witness transportation. I do believe it is worth a try, as if we are unsuccessful, we may be able to go back to the legislature for some help.

b) "Bait and switch." What this means is that the clients and the air taxis agree on a price including the transportation of meat. But when the air taxi arrives to pick them up, he arrives with a smaller plane than agreed upon. This would require extra trips, which are not cheap. Or, he states (as relayed to me by more than one client group) "you have more meat than most clients, so we'll have to make another meat trip-by the way that will be an extra \$900."

c) Misleading the clients about the number of clients and or camps that will be in at the same location. Many of the clients are promised that they will be the only person at the "wilderness camp". But when they arrive, they not only find other camps filled with clients, but also find their air taxi putting some of those other clients there. In addition, they are dropped off by their air taxi as he is picking up someone from the very same location who has already been hunting and killing the game that they were to be the "only one hunting." Some of these small lakes had 5 camps all filled with different groups of clients on them when we checked them this past fall.

d) Putting the clients in locations that are not open to hunting. This is self-explanatory. But these "taxi" operators are only providing transportation from one point to another right? Wrong, many of these clients booked these trips at a sports show and were promised to be taken into an area all by themselves, "teeming with game." They relied on these "professionals." How does someone from the Midwest have any idea where they are after flying 1 or 2

hours through the mountains. Again, Alaska law holds the hunter responsible, not the air taxi. However, the guide-outfitter would be responsible, why shouldn't all commercial users have some responsibility for these tourists who contribute to our economy and are so very dependant on these "professionals?"

In one case, I found a two-person group in an established camp (a violation by itself) of an air taxi. They were happy to see me; their licenses and tags were in order. They were genuinely enjoying their trip to Alaska. They were dropped off for a 10 day combination hunt for moose and caribou. They were told by their air taxi operator that they were in a specific game management unit which was open for caribou and moose hunting. However, I had to inform them that they were in a different unit which closed for moose on the day I arrived. Fortunately, depending on how you look at it, they were in an area that held no moose, and probably had not in recent years.

In another case, I found some people dropped off on a moose hunt literally within 300 yards from a National Park which was closed to all but subsistence hunting, and was closed to hunting by means of aircraft transportation. They were from the lower 48 and each paid their air taxi \$600 to fly into this location. They were not told about the park by their air taxi. Fortunately, I arrived before they hunted in the park, and showed them the boundary so they could do some hunting in the other direction.

e) Putting clients in areas where no game or only one species is found. Many of these clients pay for "combination" hunts, i.e. moose/caribou, moose/black bear. Many times, I have found clients in low lying swamps many, many miles from where any caribou would even think about walking during the fall hunting season. Caribou do use some of those swamps in the winter and during calving, so technically I guess you could call it a caribou area. Some of the more reputable air taxi operators have contacted me about this practice and complained about their competitors. As an F.W.P. Trooper, what do I tell a client when he asks me where the caribou are, and I know that he has absolutely no chance of harvesting one during that time of year?

My conclusion is that the problems that we experienced with the guiding, and "outfitting" industries have been largely brought under control. We still have some violators, but we always will. Our covert and conventional law enforcement programs will continue to trim those violators. However, we do need some help with the air taxi problem.

My caution is this, I would rather have no law than something, so watered-down and unenforceable than some of the amendments I read today. The proposed law dealing with an air taxi's failure to turn in the required reports is unenforceable due to the culpable mental state required. In addition, what D.A. is going to take a "B" Misdemeanor to trial. We have difficulty getting Fish and Wildlife "A" Misdemeanors to trial; and they do not have such a high (intentional) culpable mental state. The amendments offered by the Air Carrier's Association, and even the ones offered by Director Burns make the legislation virtually unenforceable. Certainly unprosecutable, if not unenforceable.

April 17, 1990
Air Taxi/Transporter
Page 5

In conclusion sir, I am truly concerned about our ability or lack thereof of turning this one around. There are many ethical and honest air taxi operators. Some truly do not transport many hunters. However many do, and because of sheer numbers, this problem is so different compared with our earlier experiences with "guides" and "outfitter". Without some decent legislation governing this large commercial resource user group, I just do not see a way to address this problem short of ignoring it. We have no tools in our bag for this one.

If you have further questions, please contact me.



ALASKA AIR CARRIERS ASSOCIATION

4040 B Street • Anchorage, Alaska 99503 • (907) 562-1272

April 25, 1990

The Honorable Bettye Fahrenkamp
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator ^{Bettye} Fahrenkamp:

Please rest assured that the amendments adopted by the Senate Finance Committee to SB 422, as approved by the Senate, are not loopholes, nor do they prevent enforcement against transporters and air taxis as alleged in yesterday's floor debate.

There were only two significant changes in the Finance Committee to the Senate Resources Committee substitute. The first clarified the bill as it related to the use of brochures and printed material which was in circulation prior to April 1, 1990. Because the Department of Commerce and Economic Development intends to be strict in its application of SB 422's definition of advertising (i.e., to prohibit the use of the term(s) "hunting" or "big game hunting" in any ads or printed material) to determine whether an air carrier is required to be licensed as a transporter, it is necessary to prevent old brochures already in circulation from requiring licensure as a "transporter" as air carriers have no way of retrieving all such materials. The change was written by Randall Burns and reviewed by Molly McCammon from ADF&G prior to the Senate Finance hearing. It was amended and made retroactive to April 1, 1990 (from July 1, 1990) at the request of Mr. Pamplin during the hearing.

The amendment, as it was adopted by the Finance Committee and the Senate, prohibits any new advertising to solicit hunting customers. For example, new magazine or newspaper ads which run after the effective date of the bill would require an air carrier to be licensed as a transporter. We believe this to be a reasonable provision - not a "major loophole."

The second change relates to the commercial use fees which would be charged to transporters. This is a matter of finance and policy over which there exists a strong difference of opinion. AACA's view of the Owsichek decision is that the exclusive guide areas were ruled unconstitutional in part because

Senator Bettye Fahrenkamp
April 25, 1990
Page 2

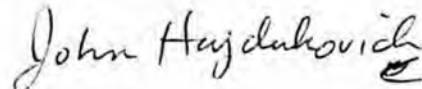
the guides were not paying the State for an exclusive franchise which involved the use of a public resource. SB 422 corrects that problem. To extend that argument to extract a commercial use fee from transporters who do not have exclusive rights to transport hunters, is not appropriate in our opinion. (See our enclosed position paper.) Please keep in mind that such fees are likely to be significant in relation to the cost of air fare and would also apply to resident hunters who are the major portion of hunters transported "to the field." If an air carrier advertises to attract hunting business, which it must if it wishes to even maintain its current business, then resident hunters will have to pay a special fee or surcharge equal to that determined by the Commercial Services Board. We are also very concerned that this precedent will be extended to transportation for sport fishing, rafting, photography and other uses of public resources "in the field," because the same logic applies to the "commercial use" of those resources.

Therefore, this amendment is not intended as a "loop-hole," a means to avoid enforcement of wanton waste laws or unethical behavior of air carriers. It is simply a policy debate on the appropriateness of the commercial use fee in this instance. If the Legislature wishes to fund wildlife enforcement at a higher level, then we suggest an increase in hunting license fees or big game tag fees as the most appropriate means to fund enforcement.

Also, please keep in mind that all air carriers must report the number of hunters they carry regardless of whether they are licensed as transporters. This will assist the Department of Fish and Game to get more timely information which would be of use in game management decisions.

Thank you for your continued assistance and hard work to obtain fair and reasonable legislation on this topic.

Very truly yours,



John Hajdukovich, President
Alaska Air Carriers Association

OVERSIGHT DECISION

law for leasing of state lands); CWC Fisheries v. Bunker, 755 P.2d 1115, 1120-21 (Alaska 1988) (stating in dictum that shore fisheries leasing program would not violate public trust, in part because leases were of finite duration and required annual rental). In contrast, EGAs are not subject to competitive bidding, provide no remuneration to the state, are of unlimited duration, and are not subject to any other contractual terms or restrictions. Rather, as discussed above, they are granted essentially on the basis of seniority, with no rental or usage fee, for an unlimited duration, and are administered in such a way that guides may transfer them for a profit as if they owned them. In these respects the EGAs resemble the types of royal grants the common use clause expressly intended to prohibit. Leases and concession contracts do not share these characteristics.

For these reasons, we hold that AS 08.54.040(7), AS 08.54.195, and the regulations of the Board permitting the assignment of exclusive guide areas are in contravention of article VIII, section 3 of the Alaska Constitution.¹⁷

17. We note that EGAs may also violate article VIII, section 17. This section of Alaska's constitution provides:

Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law

(footnote continued)

3330

| Scientific Name | Common Name | Range | Status | When listed | Critical habitat | Special rules |
|--|--------------------------|-------------|--------|-------------|------------------|---------------|
| Boraginaceae—Borage family: <i>Cryptantha crassipes</i> | Teringua Creek cat's-eye | U.S.A. (TX) | E | NA | NA | NA |

Dated: February 28, 1990.
 Richard N. Smith,
 Acting Director, Fish and Wildlife Service.
 [FR Doc. 90-8577 Filed 4-12-90; 8:45 am]
 BILLING CODE 4310-35-M

50 CFR Part 36

RIN 1018-AB43

Intention To Propose Interim Rules Implementing Title VIII of the Alaska National Interest Lands Conservation Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to propose rules and request for comments.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that it will be developing interim regulations pertaining to the implementation of the subsistence priority for rural residents of Alaska under title VIII of the Alaska National Interest Lands Conservation Act of 1980. The Alaska Supreme Court recently ruled that the laws used by the State of Alaska to provide the subsistence priority required by title VIII violated the Alaska Constitution. The Alaska Supreme Court stayed its decision until July 1, 1990. Should the State be unable to rectify the situation, the Federal government may be required to take over the implementation of title VIII on public lands on July 1, or potentially sooner.

DATES: For written comments to be considered in the initial drafting of the rules, they should be received by May 14, 1990.

ADDRESSES: Comments should be addressed to the Regional Director, ATTN: Glenn Ellison, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Glenn Ellison, 1011 E. Tudor Road, Anchorage, Alaska 99503, telephone (907) 788-3542.

SUPPLEMENTARY INFORMATION: Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires the Secretary of the

Interior to implement a program to grant preference in favor of subsistence uses of fish and wildlife on public lands unless the State of Alaska implements a subsistence program consistent with ANILCA's requirements. The State of Alaska has implemented such a program since the enactment of ANILCA in 1980 pursuant to findings by the Department of the Interior that the State subsistence program is consistent with ANILCA. In December 1989, however, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural limitation in the State subsistence definition, which is required by ANILCA, violates the Alaska Constitution. The Court stayed the effect of the decision until July 1, 1990.

As a result, the Department of the Interior may be required to take over the implementation of title VIII of ANILCA on public lands on July 1, 1990. The Service, as the lead agency is in the process of writing interim regulations for subsistence management on public lands. These rules would impact the subsistence use of fish and wildlife resources on public lands in Alaska managed by the Fish and Wildlife Service, National Park Service, Bureau of Land Management, Forest Service, Air Force, Army and various other Federal land managing agencies. This notice solicits comments and suggestions from resource users, other Alaskans and the general public on how title VIII should be implemented on public lands. Due to the uncertain nature of the situation and short time available, the development of these regulations is a contingency against the sudden requirement for the Federal government to take over implementation of title VIII on public lands. The mandates under which the regulations must operate include, but are not limited to the following:

- (1) Ensure the maintenance of healthy fish and wildlife populations;
- (2) Define subsistence uses as the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the

making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal family consumption; and for customary trade;

(3) Provide for nonwasteful subsistence uses of fish and wildlife and other renewable resources as the priority consumptive use of such resources on public lands, when it is necessary to restrict consumptive uses;

(4) Provide subsistence users reasonable access; and

(5) Provide for a system of regional participation.

The subsistence priority will not be based on race, color, or creed.

The potential need for quick action precludes a longer comment period than would normally be the case. Should Federal management become reality, it is the Federal government's intention to work in close cooperation with the State and minimize disruption to fish and wildlife users and historical state management of resident fish and wildlife. Title VIII allows reasonable regulations to provide access and to protect the viability of all wild renewable resources. The protection of wild renewable resources and the opportunity to utilize those resources by rural Alaskan residents on public lands for subsistence purposes are of paramount importance to the Federal government and to the public as a whole.

If Federal management appears to be required beyond December 31, 1990, the development of permanent regulations will commence in early July 1990. Permanent regulations will provide for regional councils and extensive public involvement in development of the permanent regulations and annual rule making. This regulation writing effort will include a Notice of Intent, public comment period and the acceptance of written and verbal comments throughout the process.

Dated: April 8, 1990.
 John F. Turner,
 Director, U.S. Fish and Wildlife Service.
 [FR Doc. 90-8834 Filed 4-12-90; 8:45 am]
 BILLING CODE 4310-35-M

RESOLUTION NO. 90-50-BOG

ALASKA BOARD OF GAME

RELATING TO REPORTING OF HUNTER USAGE OF AIR TAXI OPERATIONS

WHEREAS, it is of critical importance to the Board of Game in its role of protecting the wildlife resources of the State and allocating uses of these resources to the public, to know the location, numbers and timing of game harvest by hunters utilizing air taxi transportation; and

WHEREAS, the Board recognizes that air transportation is a very important means of access to game resources by many citizens of Alaska as well as non-residents, and

WHEREAS, the Board has received many reports from the public of excessive local harvest in certain areas by hunters transported by air taxi, and

WHEREAS, the lack of legal requirements for reporting of hunters transported by air taxi operators prevents the Board from having the information necessary to objectively determine whether a problem exists and whether corrective action is necessary,

NOW THEREFORE BE IT RESOLVED,

the Alaska Board of Game urges the Alaska State Legislature to pass legislation that would require all air taxi operators to report the number of hunters and big game animals transported; and

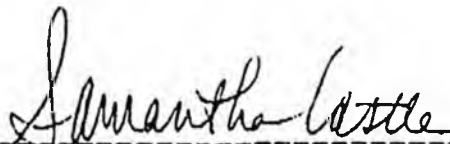
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| | | | |
|-------|--------------|---------|----------------|
| To | Senate Clerk | From | Leslie Pamplin |
| Co. | Senate | Co. | ADF+G |
| Dept. | | Phone # | 267-2179 |
| Fax # | 465-4455 | Fax # | 344-7914 |

RESOLUTION NO. 90-50-BQG
Alaska Board of Game
Page Two

BE IT FURTHER RESOLVED,

that copies of this Resolution be promptly transmitted to the Governor, the President of the Senate, the Speaker of the House, the Chairman of the Senate and House Resources, and Transportation, committees, and to the Commissioner of the Department of Fish and Game.



Samantha Castle, Chairman
Alaska Board of Game

ADOPTED: April 2, 1990
Anchorage, Alaska
VOTE: 7 Favor 0 Oppose



Alaska State Legislature

Please enter into the record my testimony to the (H) JUD.
committee name

committee on CS FOR HB448, dated 4-10-90
bill/subject

The section, 08.54.650 used to establish
QUALIFICATIONS FOR A GUIDE AREA WILL PRESENT
LEGAL PROBLEMS IN ITS PRESENT FORM. ANY
REFERENCE TO HISTORY, EXPERIENCE, OR PRIOR
USE SHOULD NOT BE RETAINED. SOME GUIDES
WERE UNLAWFULLY DEPRIVED OF THE OPPORTUNITY
TO ESTABLISH EQUAL EXPERIENCE UNDER THE
OLD UNLAWFUL GUIDE SYSTEM.

DONT FORCE THE CITIZENS OF ALASKA TO
RELY ON THE COURTS TO REFEREE WHEN SIMPLE
DELETIONS CAN BE MADE AT THIS TIME.

Signed: VERN PORTER
Testifier

Representing (Optional)
P.O. Box 4478 Soldotna, 99669
Address
907-262-3224
Phone No.



BLM news release



Bureau of Land Management

U.S. Department of the Interior

for further information contact:

release number:

date:

William J. Robertson
Bureau of Land Management
1150 University Avenue
Fairbanks, Alaska 99709

F-0-16

April 2, 1990

APR 5 1990

RECREATION FEES RAISED

Minimum fees for special recreation permits on Bureau of Land Management land increased on March 1, possibly affecting 95 guides and outfitters statewide. These permits are issued for guiding and similar services on public lands. The permittee pays a minimum fee of \$60 (up from \$50) or 3 percent of the gross income they earn from public land, whichever is higher. The site reservation fee has increased from \$100 to \$120. The site reservation fee is required for site-specific uses such as base camps or helicopter landing spots.

The fee for a one-night stay in one of BLM's public-use cabins will increase from \$15 to \$20, but will not be effective until July 1, 1991. This is the same fee the U.S. Forest Service charges, and follows a recent increase in their rates. BLM administers eight public-use cabins furnished with beds, wood stoves and gas cook stoves and lanterns. Cabin fees are used to further the BLM cabin management program.

-end-

United States
Department of the Interior
Bureau of Land Management
1150 University Avenue
Fairbanks, Alaska 99709-3844



POSTAGE AND FEES PAID
U.S. DEPARTMENT
OF THE INTERIOR
INT 415

State Senator
Citizen's Advisory Commission
Bettye Fahrenkamp
Pouch V
Juneau, AK 99811

P.13
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POSITION PAPER
DEFINITION OF "TRANSPORTER"
ALASKA AIR CARRIERS ASSOCIATION

HB 448 and SB 422 which deal primarily with the restructuring of the once exclusive guide areas, also contain a section which redefines "transporters." "Transporter;" are a creature of the guide/outfitters legislation passed in 1989. The term was defined as air taxi operators which carry big game hunters "to the field," but provide no additional services to those hunters. The purpose for regulating "transporters" was a concern by some that a small number of air taxi operators were carrying large numbers of hunters into certain game units for unguided hunts. To try to target this small group of carriers, the legislation attempted to define "transporters" to include those carriers with hunting as a major part of their business and to exclude carriers which are primarily scheduled carriers or charter operators. This was accomplished by an exemption for air carriers which carry hunters only as an "incidental" part of this aviation business. If an air taxi does not qualify for the exemption, then it must apply for a transporter's license and be regulated by the new Big Game Commercial Services Board.

The definition of "incidental" is a significant issue for air carriers because to most major carriers, the transportation of hunters is truly incidental to their business (i.e., less than 10% of their customers) and, therefore, should be exempt under the law.

However, when the Big Game Commercial Services Board finally met in December and February to draft regulations, it put

out a proposed regulation that defines "incidental" as all air carriers which transport hunters "to the field."

The Alaska Air Carriers Association (AACCA) believes that if the Big Game Commercial Service Board adopts such a regulation, it will be completely inconsistent with the existing statute. It, therefore, urges the Legislature to redefine "transporters" in HB 448 or SB 422 in order to eliminate further controversy. AACCA suggests that air carriers be exempted from the requirement to be licensed as transporters unless they actively advertise for hunting business and they charge greater than point to point charter rates for hunters.

AACCA believes that this is a clearer definition and one that is more easily enforced than a standard based on a percentage of business. Further, it would be fair in that it includes air taxis which actively solicit hunting business and which profit from the big game resource in a somewhat similar manner to guide/out-fitters. It excludes carriers for which the transportation of hunters is truly "incidental" and which do not profit from the resource, as the carriers are simply providing transportation from point to point at the same rate they charge to any customer regardless of the intended purpose of the customer's travel.

AACCA also wishes to note that most of the hunters they carry are Alaskan residents. These hunters are not required to have guides under Alaska statutes and should be free to hunt wherever permitted by our game regulations.

AACA's other concern with HB 448 and SB 422 is the conservation fee which will be assessed for big game animals transported "from the field." We suggest that this fee, which will ultimately be paid by the hunter, would be more effectively collected at the time the hunter picks up big game tags.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

P.O. BOX D-LIC
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

DIVISION OF OCCUPATIONAL LICENSING

SUPPLEMENT TO PROPOSED REGULATIONS OF THE BIG GAME COMMERCIAL SERVICES BOARD

DEFINITION OF "INCIDENTAL"

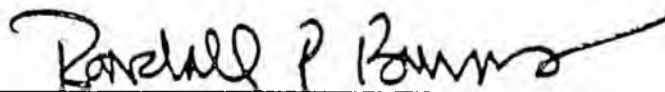
The Big Game Commercial Services Board recently public noticed 13 pages of proposed regulations (draft dated February 16, 1990) dealing with licensing requirements for guide-outfitters, transporters, and commercial use permit holders and the big game commercial services they provide. Inadvertently omitted from this draft was a definition of "incidental" as it applies to the transportation services provided by air taxi operators and commercial air carriers. In addition to the proposed regulations you may have already received, the Big Game Commercial Services Board will be considering the following proposed definition:

12 AAC 38.990. DEFINITIONS, is amended to read:

(4) "incidental" means transportation provided to a big game hunter by an air taxi operator or air carrier on a scheduled flight or on a flight between publicly maintained landing facilities, including airports and float plane docks; "incidental" does not mean transportation provided to, from, or in the field.

When defining incidental, the board may also consider the advertising done by air taxi operators and air carriers as well as the schedule of fares they charge.

You are invited to comment on this proposal along with all of the other proposed regulations either by writing to the address above or testifying at the public hearing tentatively scheduled for March 22, 1990 in conjunction with the meeting of the Big Game Commercial Services Board.



Randall P. Burns
Director

DATE: February 23, 1990

MAR 03 '90 11:42 BALLYS


P.2/2

FAX 707-586-8228

GUIDELINES FOR DEVELOPMENT OF GUIDE-OUTFITTER AREA PERMITS

From the Office of the President,
ALASKA PROFESSIONAL HUNTER'S ASSOCIATION

On behalf of the membership of the Alaska Professional Hunter's Association which represents more than 70% of all guiding activity in Alaska, as well as the industry as a whole. APHA endorses the following criteria reference any proposed state or federal guide-outfitter area system under consideration. These criteria take into consideration current political, economic and biological considerations which affect the guiding industry as a whole, as well as both the conditions and concerns set forth in the Supreme Court's Owsachiak decision of October, 1988, and the guide-outfitter legislation passed in 1989. APHA will not endorse any proposal that does not provide:

- (1) that any assigned guide-outfitter area assignment be biologically viable
 - (2) that any assigned guide-outfitter area assignment be economically viable to the operator assigned the area
 - (3) that any assigned guide-outfitter area assignment provide economic return to the State of Alaska
 - (4) that any assigned guide-outfitter area assignment be allotted in the best interests of the State of Alaska
 - (5) that no qualified licensee be discriminated against in the assignment of a guide-outfitter area permit based solely upon how many years he may or may not have held a guide-outfitter's license
 - (6) that provisions be included that will insure that an area is being utilized per terms of issuance, or else the area shall revert back to the authorizing authority for reassignment to another qualified guide-outfitter applicant
 - (7) that consideration be given for a guide-outfitter's past use, occupancy, and investment in the area encompassed by any proposed guide-outfitter area permit or permit system
 - (8) that a feasible renewal provision be included which is compatible with sound business principles and in the best interests of the guiding industry, the State and the resource
 - (9) that APHA would suggest a graduated Commercial Use Permit fee schedule be tied to the issuance of a guide-outfitter area permit that is all-inclusive of proposed wildlife conservation fees and/or "head taxes"
- 



United States Department of the Interior



FISH AND WILDLIFE SERVICE
1011 E. TUDOR RD.
ANCHORAGE, ALASKA 99503

IN REPLY REFER TO:

RF0023.JEK

RECEIVED

MAR 1 1990

FEB 20 1990

JAN FAIKS
SENATE OFFICE

Senator Jan Faiks
Pouch V
Juneau, Alaska 99811

Dear Senator Faiks:

The U.S. Fish and Wildlife Service (Service) has worked closely with the Legislative Task Force on guiding and game for the past several months. We are pleased with the final recommendations and hopeful the proposed new management system for guides and outfitters will prevent overcrowding in prime areas and reduce the potential for overharvest of wildlife species.

We believe the Task Force considered all options and alternatives in their deliberation. The procedures outlined in the proposed legislation appear to be a good solution to this complex issue.

The Service endorses the proposed legislation as written, and is prepared to adopt this guide/outfitter allocation system on the 77 million acres of national wildlife refuges in Alaska. As I am sure you can appreciate, we must do some contingency planning. In the unfortunate event the legislature is not successful in adopting an acceptable solution, the Service will be prepared to initiate a guide/outfitter allocation system on refuges to be implemented in 1991 to protect refuge resources and manage the public use of those resources.

We urge the state legislature to give serious consideration to the proposed legislation.

Sincerely,

Regional Director

cc: ✓Lou Pamplin
✓Randall Burns

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

A PROFESSIONAL CORPORATION

1188 CONNECTICUT AVENUE, N.W. • SUITE 1200 • WASHINGTON, D.C. 20036 • (202) 686-8800 • TELECOPIER (202) 688-1027

THOMAS L. ALBERT**
J. GEOFFREY BENTLEY*
RONALD G. BIRCH**
WILLIAM M. BITTNER**
KATHRYN A. BLACK
DOUGLAS BLANKENSHIP
PHILIP BLUMSTEIN
CORY R. BORCKSON
STERMAN R. BOBTON
MARGARET M. BRAUNT
WILLIAM BUMPERS*
JOHN J. BURNS
GERALDINE M. CARR*
SHEANNE CHEROT**
JOSEPH M. CHOMSKI**

KIM BUNN
ERIC A. EISEN**
RALPH V. ERTZ
JOSEPH W. EVANS**
PAUL EWERS
STEPHEN K. GARDNER**
WILLIAM W. GARNER*
JOHN W. GRIGGS**
WILLIAM P. HORN*
MAL R. HORTON**
STEPHEN H. HUTCHINGS
MARC W. JUNE
MINDY R. KORNBERG**
STANLEY T. LEWIS
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MICHAEL J. PARISE
TIMOTHY J. PETUMENOS
ELIZABETH A. PHILLIPS
STEVEN PRACELL
MICHAEL W. REUSING
ELISABETH M. ROSS**
JONATHAN B. RUBINI
E. BUDD SINFON
STEPHEN P. SORENSEN
SHER DAN STRICKLAND**
JONATHAN R. TULLINGHAST
MOLLY WARDE
HENRY WILSON

OF COURSE
JAMES D. NONDALE

D.C. BAR
D.C. AND ALASKA BAR
MARYLAND BAR
VIRGINIA BAR
ALL OTHERS ALASKA BAR

27 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 278-1580
TELECOPIER (907) 278-2822

KEY BANK BUILDING
100 CUSHMAN STREET, SUITE 311
FAIRBANKS, ALASKA 99701
(907) 482-1888
TELECOPIER (907) 486-8088

SEALASKA PLAZA, SUITE 301
JUNEAU, ALASKA 99801
(907) 886-8880
TELECOPIER (907) 886-8814

MEMORANDUM

TO: Senator Bettye Fahrenkamp
Chair, Senate Resources Committee

FROM: William P. Horn *WPH*

DATE: March 26, 1990

VIA TELECOPY

SUBJ: Comments on Proposed Amendments to SB 422

The following are my comments on proposed amendments to SB 422 -- the Hunting Guide bill. The letters correspond to the amendments as marked on the Attachment.

- (Au) A. This does not appear to create problems per the Owsichuk decision. It would specify that the provision aimed at guide area allocation and operation therein do not apply to regions not included in a designated area. However, the Task Force was interested in having a registration system to keep track of guides in unawarded designated areas. This amendment partially bypasses that system.
- (Aw) B. This merely makes more express the intent of § 08.54.670.
- (At) C. Technical amendment.
- (At) D. This amendment raises policy and implementation issues. Is it good policy to go through the 1990 season with no new system in place? Does this reflect a concern that enactment of SB 422 will come too late to be effectively implemented in time for this hunting season?
- (At) E. This applies the severability provision to the amendments passed a year ago regarding new guide licensing requirements and procedures.

BIRCH, HORTON, BITTNER AND CHEROT
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Senator Bettye Fahrenkamp
March 26, 1990
Page 2

- (At) F. This provides that the severability provision is immediately effective upon enactment.
- (Av) G. Technical amendment.
- (Av) H. Technical amendment.
- (Ax) I. This amendment appears to permit an inactive guide to retain his license without paying commercial use permit fees. It poses no apparent Owsichek problems.
- (As) J. This is largely a technical amendment since air carriers are expressly included in subsequent sections of the bill.
- (As) K. This amendment likely provides that fewer air taxi operators will be required to pay the fees proposed elsewhere in the bill. The SB 422 language essentially includes all air taxi operators who advertise "hunting services." The amendment covers only those operators who (1) charge more than listed rates, or (2) advertise "big game commercial services." It also adds a new reporting requirement. This amendment does not have Owsichek implications.
- (Az) L. Technical amendment.
- (Az) M. This amendment assumes that the wildlife conservation fee in § 6 (AS 08.54.480) is deleted. If the fee is deleted, this amendment is technical and conforming.
- (Az) N. This sets forth requirements and criteria under which an individual must be awarded a guide-outfitter license. The Task Force did not consider this issue in its Owischek deliberations in the second half of 1989. This provision does not have Owischek consequences.
- (Az) O. This amendment will be discussed in parts:
1. § 6 (AS 08.54.360(a)) -- This establishes new criteria for the award of marine mammal guide-outfitter licenses. This was not considered by the Task Force and is not an Owischek issue.
 2. § 7 (AS 08.54.370(a)) -- The major effect for this amendment is the elimination of the wildlife conservation fee requirement. If a separate decision is made to eliminate that fee, this amendment is largely technical.

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Senator Bettye Fahrenkamp
March 26, 1990
Page 3

sec 8

3. § 8 (AS 08.54.400(a)) and § 9 (AS 08.54.400(c)) -- The amendment relates to transporter licensing. There are no Owischek implications arising from these amendments.

sec 10

4. § 10 (AS 08.54.460(a)) -- This expands the class of entities that must register with the Big Game Commercial Services Board (BGCSB) and pay fees. This provision may help ensure compliance with Owischek by providing that almost all who engage in commercial enterprises related to the taking of public resources (i.e., wildlife) will pay valuable consideration to the State.

sec 11

5. § 11 (AS 08.54.470(a)) -- Primarily technical if the whole scheme of amendment "O" is adopted.

sec 12

6. § 12 (AS 08.54.370(b)) -- This is another means of ensuring that the State receives valuable consideration for authorizing special uses of public resources. The method by which the State receives consideration is not critical. However, to satisfy the Alaska Constitution, as construed by Owischek, the State must receive value. This fee system is one legally appropriate way for the State to receive such value.

(Ae) Q.
sec 16

Assuming that for policy or administrative reasons it is appropriate to delay implementation until 1991, this is essentially a technical amendment.

(Aaa)

- R. The restrictions on assignment contained in § 2 (AS 08.54.670(a)) obviate the need for the replacement value restraint in subsection (b). I concur with George Utermohle's analysis in his March 21, 1990 memorandum to you.

WPH:jap
WPH223M, ASR

Attachments

SENT BY: BIRCH HORTON

: 3-26-90 11:46AM ;

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6-1718Au
Utermohle

A M E N D M E N T

A. OFFERED IN THE SENATE

TO: SB 422

Page 3, following line 15:

Insert a new subsection to read:

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

①

6-1718Aw
Utermohle

A M E N D M E N T

OFFERED IN THE SENATE

B.

TO: SB 422

Page 9, following line 17:

Insert a new subsection to read:

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

Reletter the following subsections accordingly.

(2)

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

C. Page 1, line 9, after "services":
Insert "; and providing for an effective date"

D. Page 16, following line 2:
Insert a new bill section to read:
"* Sec. 11. The operation of AS 08.54.440 is suspended until January 1 1991."

Renumber the following bill section accordingly.

E. Page 16, following line 6:
Insert a new bill section to read:
"* Sec. 13. Section 11 of this Act is retroactive to May 12, 1989."

Renumber the following bill section accordingly.

F. Page 16, following line 7:
Insert a new bill section to read:
"* Sec. 15. Sections 11 and 13 of this Act take effect immediately under AS 01.10.070(c)."

6-1718Av
Utermohle

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

G. Page 4, line 8:
Delete "or"
Insert ",."

A. Page 4, line 9:
After "permitter":
Insert ", automatically revoked under AS 08.54.660 "
After "offerad":
Insert "by the board"

(4)

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

I.

Page 12, following line 3:

Insert a new bill section to read:

"* Sec. 6. AS 08.54.470 is amended by adding a new subsection to read:

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

Renumber the following bill sections accordingly.

(5)

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

J. Page 1, line 8, after "transporters"
Insert "and air carriers"

K. Page 13, lines 6 - 10:
Delete all material and insert:

"(B) by an air taxi operator or air carrier who do
not

(i) charge more than the tariff or charter rate
if listed, for [WHICH] the carriage of big game hunters
their equipment, or big game animals harvested by hunters,
or

(ii) advertise big game commercial services to the
public [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD,
PORTION OF ITS BUSINESS];

* Sec. 8. AS 42.30 is amended by adding a new section to read:

Sec. 42.30.230. REPORTS RELATING TO CARRIAGE OF BIG GAME
HUNTERS. (a) A person who is subject to AS 42.30.200 shall submit to
the department by January 31 of each year an activity report relating
to the carriage of big game hunters, their equipment, and big game
animals harvested by hunters during the preceding year. The report
shall be made on a form provided by the department and must contain

(12)

SENT BY: BIRCH HORTON

: 3-28-90 :11:49AM :

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information required by the Big Game Commercial Services Board regulation.

(b) A person who violates this section is guilty of a class misdemeanor."

Renumber the following bill sections accordingly.

(7)

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

L

Page 1, line 9, after "services":

Insert ", and commercial use permits"

M

Page 8, lines 23 - 25:

Delete all material.

Reletter the following subsection accordingly.

N

Page 11, following line 7:

Insert a new bill section to read:

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

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

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

(4) has passed the qualification examinations prepared and

6-1718A:
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administered by the board;

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

(6) has legally hunted in the state for part of each of at five years in a manner directly contributing to the person's experience and competency as a guide-outfitter;

(7) has been licensed as and performed the services of class-A assistant guide-outfitter or assistant guide-outfitter in the state for a part of each of three years, or has guide-outfitted in the state for a part of each of three years under a marine mammal guide-outfitter license issued under AS 08.54.360;

(8) has demonstrated a current knowledge of fishing, hunting, and guide-outfitting regulations;

(9) is capable of performing the essential duties associated with guide-outfitting;

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

(11) possesses a business license to provide

guide-outfitting services; and

(12) has paid the license fee and has applied for a commercial use permit [FEE]."

Renumber the following bill section accordingly.

Page 11, line 20, through page 12, line 26:

Delete all material and insert:

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

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

(1) is 21 years of age or older;

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

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

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

(A) current fish and game laws and regulations;

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

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

- (F) firearm safety;
- (G) practical first aid; and
- (H) booking and contracting hunts;

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

(6) possesses a business license to provide guide-outfitting services; and

(7) has paid the license fee and has applied for a commercial use permit [FEE].

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

(a) An applicant for renewal of a guide-outfitter license or marine mammal guide-outfitter license shall submit with the application for renewal

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

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

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

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

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

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

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

(2) pays the license fee;

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

(4) provides proof of

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

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

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

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

(c) An applicant for renewal of a transporter license shall submit with the application for renewal

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

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

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

(4) proof of

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

(B) licensure by the Coast Guard to carry passengers

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for hire, if the applicant provides water transportation service to big game hunters and if licensure is required by the Coast Guard.

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

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

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

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

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

(b) The commercial use permit fee shall be

(1) set by the department, in consultation with the board, for transporters on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter during the period for which the permit was issued;

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(2) for guide-outfitters and marine mammal guide-outfitters, equal to the following amounts based on the number of clients guide-outfitted by the guide-outfitter or marine mammal guide-outfitter during the period for which the permit was issued:

| | |
|--------------------|--------|
| 0 - 3 clients | \$ 250 |
| 6 - 10 clients | 500 |
| 11 - 15 clients | 750 |
| 16 - 20 clients | 1,000 |
| 21 - 25 clients | 1,500 |
| 26 - 30 clients | 2,000 |
| 31 or more clients | 2,500. |

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

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for [ISSUANCE OR] renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license. If the guide-outfitter, marine mammal guide-outfitter, or transporter does not apply for renewal of the guide-outfitter license, marine mammal guide-outfitter license, or transporter license, the commercial use permit fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued."

Renumber the following bill sections accordingly.

P. Page 15, line 19:
Delete "sec. 4"

(14)

6-1718As
Utermohle

Insert "sec. 5"

Page 16, following line 2:

Insert a new bill section to read:

"* Sec. 18. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSEQUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act, AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act apply to initial applications for and renewals of guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1991 and subsequent years and to payment of commercial use permit fees for 1991 and subsequent years. Applicants for guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1990 or for renewal of these licenses for 1990 shall pay the commercial use permit fee in accordance with AS 08.54 as it existed on the day before the effective date of this section."

Renumber the following bill sections accordingly.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 21, 1990

SUBJECT: Proposed amendment relating to assignments of use area permits (6-1718Aaa).....

TO: Senator Battye Fahrenkamp
Chair Senate Resources Committee

FROM: George Utermohle *GU*
Legislative Counsel

Amendment 6-1718Aaa to SB 422 proposes the deletion of subsection (b) from AS 08.54.670 (Page 9, line 27 through page 10, line 3).

The material to be deleted prevents a guide-outfitter from selling lodges, cabins, boats, aircraft, and other equipment to another guide-outfitter who is the assignee of a use area permit formerly held by the seller of the property and equipment at a price that exceeded the replacement value of the property.

One of the objections that the Alaska Supreme Court had to the former exclusive guiding area system in the Owsichuk decision was that the guides could treat an exclusive guiding area as personal property and sell it to other guides. The ability of a guide to sell an exclusive guiding area was one of those attributes of an exclusive franchise to use game that the court found to violate the common use clause of the Alaska Constitution. The Task Force on Guiding and Game addressed this issue in its proposal for guide-outfitter use areas by allowing guide-outfitters to assign their use areas to other guide-outfitters but prohibited them from selling the permit or otherwise receiving anything of value in exchange for the assignment of the permit. In order to prevent a guide-outfitter from receiving a payment for the assignment of the permit under the guise of selling other property to the assignee, the Task Force prohibited the guide-outfitter from receiving more than the replacement value for the property. The assumption was that if the assignee of the permit paid more than the replacement value of

Senator Bettye Fahrenkamp
Page 2
March 21, 1990

the property than the excess was really a payment for the assignment of the permit. The assignment of the permit was void if the amount paid for the property exceeded the replacement value of the property.

During further consideration of this issue, the Task Force decided to further restrict the procedure for the assignment of use area permits by taking away the power of guide-outfitters to determine who would succeed them as assignees of the use area. Use area permits may be assigned only by the Big Game Commercial Services Board. Guide-outfitters would no longer have an opportunity to determine who their successors would be. This approach eliminated the possibility of collusion between the assignor and assignee of use area permit.

This approach also eliminated the need for the Board to monitor the transfer of property between a former permit holder and the new assignee of the permit. Since the former permit holders do not determine who will succeed them, there is no opportunity for the former permittees to receive payment for assigning the permit to particular persons.

Thus subsection (b) of AS 08.54.670 could be deleted without affecting the integrity of the use area permit system proposed by SB 422. Deletion of this provision would also ease the burden on the Board by eliminating the responsibility of the Board to monitor the sales of property between former permit holders and assignees of use area permits.

GU:pl
WKP3/066

Enclosure

SENT BY: BIRCH HORTON

: 3-26-90 : 11:56AM :

120 591027→

: #22

6-1718Aaa -
Utermohle

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 9, line 27 through page 10, line 3:

R.

Delete all material.

Reletter the following subsections accordingly.

(14)

Alaska State Legislature



Legislative Research Agency

P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 463-3991
Fax: (907) 463-3351

March 20, 1990

MEMORANDUM

TO: Senator Arliss Sturgulewski

ATTN: Nancy Peterson

FROM: Carol R. Vandor *CRV*
Legislative Analyst

RE: Trophy Fees in Other Countries
Research Request 90-243

You asked what taxes or fees other countries impose on hunters on successful big game hunts. The attached information was prepared and presented by the Safari Club International at a recent convention. It indicates various license and medal fees imposed by the governments of Spain, Yugoslavia, Turkey, Hungary, Austria and the Republic of South Africa.

The medal fees imposed for a successful hunt vary according to an animal's weight, size of horns, etc. For example, a successful hunter in Yugoslavia can pay an additional \$5,000 to \$16,000 (U.S. dollars) for a red deer. The scoring method referred to in the attached documents is the measuring method used to determine the amount of the medal fees. The CIC scoring method is the European method of scoring; the SCI method is the Safari Club International's scoring method.

The Safari Club International is located in Arizona. If you have any further questions you may wish to contact them at (602) 620-1220.

I hope this information will satisfy your request. If I may be of further assistance, please contact this office.

Attachment

TROPHY FEES
THURSDAY AFTERNOON

| | | | | |
|------|-------------|---------|------------|---------------|
| T014 | SPAIN | (CHIAS) | | |
| | RED STAG | \$4500 | CHAMOIS | \$3500 |
| | MOUFFLON | \$4300 | IBEX | \$6500 |
| | FALLOW DEER | \$4000 | LICENSE | \$300 |
| T019 | HUNGARY | (KERN) | | |
| | RED STAG | \$3155 | | |
| T030 | TURKEY | | | |
| | CHAMOIS | \$1000 | BROWN BEAR | \$1500-\$3000 |

THURSDAY NIGHT

| | | | | |
|------|-------------|---------------------|---------------------|----------------|
| TN04 | SPAIN | (CHIAS) | | |
| | RED STAG | \$4500 | CHAMOIS | \$3500 |
| | MOUFFLON | \$4300 | IBEX | \$6500 |
| | FALLOW DEER | \$4000 | LICENSE | \$300 |
| TN10 | SPAIN | (VARELA) | | |
| | CHAMOIS | \$550 | ROE DEER | \$450 |
| | | | BOAR | \$350 |
| TN14 | SPAIN | (INIQUEZ) | | |
| | BASIC FEE | \$2000 | ROE AND FALLOW DEER | \$900 - \$1900 |
| TN18 | YUGOSLAVIA | (KERN) | | |
| | BROWN BEAR | \$12,000 - \$14,000 | | |
| TN22 | YUGOSLAVIA | (KERN) | | |
| | BROWN BEAR | \$6,600 | | |
| TN25 | YUGOSLAVIA | | | |
| | LICENSE | | MEDAL FEE | |
| | IBEX | \$8,000 | | \$1600-\$3200 |
| | CHAMOIS | 2,000 | | 3000--6000 |
| | FALLOW DEER | \$2,500 | | 4000--7500 |
| | ROE DEER | \$1,000 | | 1500--4000 |
| | RED DEER | \$4,000 | | 5000--16,000 |
| TN26 | TURKEY | | | |
| | CHAMOIS | \$1000 | BROWN BEAR | \$2,000 |

TROPHY FEES
FRIDAY AFTERNOON

| | | | | | |
|------|---------------|-------------------|---------|---------|---------|
| F028 | SPAIN | (VARELA) | | | |
| | RED DEER | \$685 | BOAR | \$350 | |
| F032 | HUNGARY | (KERN) | | | |
| | ROE BUCK | \$1,110 | | | |
| F033 | SPAIN | | | | |
| | DAILY RATE IS | \$590 | | | |
| F037 | YUGOSLAVIA | (KERN) | | | |
| | CHAMOIS | \$2,300 | MOUFLON | \$6,600 | |
| F041 | SPAIN | (E. DE ARAOZ) | | | |
| | MOUFLON | \$1,100 - \$1,800 | | | |
| F044 | TURKEY | | | | |
| | IBEX | \$1,500 - \$3,000 | | | |
| F056 | TURKEY | | | | |
| | BROWN BEAR | \$2,000 | CHAMOIS | \$1,000 | BOAR -0 |
| F063 | HUNGARY | (KERN) | | | |
| | RED STAG | \$3,155 | | | |

TROPHY FEES
SATURDAY AFTERNOON

S019 SPAIN (CHIAS)
RED STAG \$4500 MOUFLON \$4300
FALLOW DEER \$4000 CHAMOIS \$3500
IBEX \$6500 LICENSE \$ 300

S025 SPAIN (VARELA)
CHAMOIS \$550 BOAR \$350

S026 SPAIN (E. DE ARAOZ)
RED DEER \$1,100 to \$1,800

S029 SPAIN (INIQUEZ)
RED DEER \$900 - \$1900 License: \$200

S034 SPAIN
DAILY RATE IS \$590.

S035 YUGOSLAVIA (KERN)
CHAMOIS \$2300 BOAR \$1200 MOUFLON \$6600

S041 AUSTRIA
DM rate computes to \$6000 - \$7000.

S045 TURKEY
CHAMOIS \$1000 WOLF \$250 BOAR None
BROWN BEAR \$2000 JACKAL \$100

S056 YUGOSLAVIA
BROWN BEAR \$12,000 - \$14,000

S064 TURKEY
IBEX \$1500 - \$3000



DEREK PARKER SAFARIS

TROPHYS AVAILABLE AND FEES —
 RATES EFFECTIVE FROM
 1ST JANUARY TO 31ST DECEMBER 1990

| | US \$ |
|-------------------------------------|----------|
| Inyala | 1000.00 |
| Inyala (Female) | 460.00 |
| Kudu (Southern Geater Kudu) | 800.00 |
| Kudu (Cape) | 700.00 |
| Bushbuck (Cape) | 400.00 |
| Bushbuck (Limpopo) | 400.00 |
| Cape Hartebeest | 600.00 |
| Klipspringer | 400.00 |
| Oribi | 600.00 |
| Common Reedbuck | 370.00 |
| Mountain Reedbuck | 300.00 |
| Impala | 175.00 |
| Waterbuck | 950.00 |
| Black Wildebeest (White Tailed Gnu) | 520.00 |
| Blue Wildebeest | 520.00 |
| White Bosbuck | 400.00 |
| Vaal Rhebuck | 450.00 |
| Livingstone Suni | 650.00 |
| Grey Dukker | 120.00 |
| Blue Dukker | 450.00 |
| Red Dukker | 450.00 |
| Bushpig | 100.00 |
| Ostrich | 400.00 |
| Zebra (Burchella) | 750.00 |
| Zebra (Mountain) | 900.00 |
| Springbuck (Cape) | 150.00 |
| Springbuck (Black) | 400.00 |
| Springbuck (White) | 400.00 |
| Cape Grysbuck | 500.00 |
| Genisbuck | 600.00 |
| Bosbuck | 250.00 |
| Stoebuck | 150.00 |
| Warthog | 150.00 |
| Red Lechwe | 1 500.00 |
| Eland (Cape) | 1 400.00 |
| Eland (Livingstone) | 1 400.00 |
| Giraffe | 1 400.00 |
| Barbary Sheep | 1 850.00 |
| Leopard | 2 400.00 |
| Bontebuck | 1 000.00 |

ON APPLICATION :

White Rhino, Scimitar Horned Oryx, Buffalo, Sable
 Antelope and Lion.

DAILY RATES :

| | |
|--|----------|
| One client with one PWH- per person per day | \$350.00 |
| Two clients with one PWH- per person per day | \$300.00 |
| Non Hunting Clients per person per day | \$100.00 |
| Dangerous Game (Lion, Leopard, Buffalo, Rhino, Elephant) | |
| One client with one PWH- per person per day | \$500.00 |
| Two clients with one PWH- per person per day | \$450.00 |
| Non Hunting Clients per person per day | \$100.00 |

We offer a special package of \$2300.00 per client for 10 days. This must be conducted on a 2 x 1 basis. This package is only available November to December and January to March. Observers pay \$75.00 per day. Trophy fees are not included in the package. Between 5-10 species can be hunted in this time.

Photographic Safaris : \$250.00 per person per day. Max- number in party : 4.

DAILY RATES INCLUDE:

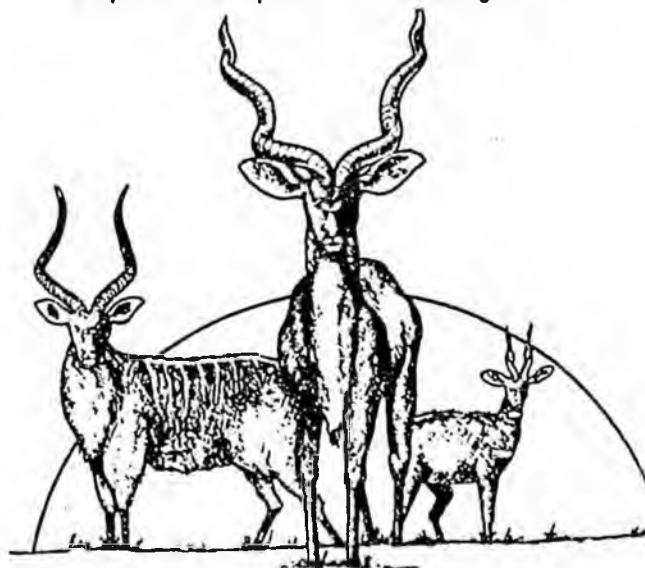
1. All tracking, skinning, field preparations as well as camp staff.
2. Vehicle hire for the duration of the safari.
3. The use of a fully equipped 4 x 4 vehicle.
4. All meals. Special tastes will be catered for if sufficient notice is given.
5. Preservation and handling of trophies while in the field.
6. Cost of hunting licences.
7. Accommodation in fully equipped camps for the duration of the safari.
8. Liquor and soft drinks are supplied at various camps in moderation.

NOT INCLUDED IN DAILY RATES:

1. All chartered services and the use of commercial airlines.
2. Clients to pay for all commercial airfares for skimmers and professional hunters to and from the hunting area.
3. Firearms can be rented at a charge of \$30.00 per day per rifle or shotgun.
4. Transfers from the airport to camp and accommodation the day before the safari will be an extra cost of \$100.00 per client.
5. Billing of trophies for dipping, packaging and crating to clients will be made by the taxidermist, who will be in contact with the client's concerned.
6. Transportation of trophies to the taxidermist will be \$75.00 per client.

TERMS OF BUSINESS:

1. Safari start in the morning of the first day booked, and end when you are dropped off on the last day.
2. A deposit of 40% on the total daily rate is required to confirm bookings. Balance payable on arrival.
3. No refund of deposit can be made if clients cancel the safari within 3 months of the starting date, unless alternate clients are found as replacements. For all other instances, deposits will be refunded less 10% administrative fees.
4. All wounded animals must be paid for in full.
5. All payments must be made in cash or travellers cheques or certified bank drafts.
6. All prices are subject to change for reasons beyond our control but clients will be given adequate notice if prices are to be changed.



FOR ENQUIRIES & INFORMATION:

DEREK PARKER SAFARIS
P.O. BOX 252
HLUHLUWE 3960
NORTHERN NATAL
REPUBLIC OF SOUTH AFRICA

LOCAL TELEPHONE :
(BUS) (03562) 183
(RES) (03562) 2331
(FAX) (03562) 183

INTERNATIONAL TELEPHONE:
011 COUNTRY 27 CITY 3562 No. 183 (B)
2331(R)
ALL HOURS FAX : 183

HUNTINSPAIN



ALFONSO FABRES
P. O. BOX, 57
28220 Majadahonda
MADRID (SPAIN)
Teléf. 637 50 29

PRICE LIST
1989

DAILY RATE

| | |
|----------------------------------|--------|
| 1 Profesional Hunter × 1 Client | \$ 399 |
| 1 Profesional Hunter × 2 Clients | \$ 300 |

TROPHY FEES

| | |
|---|----------|
| <input type="checkbox"/> IBEX (X) | \$ 5.500 |
| <input type="checkbox"/> RED DEER | \$ 3.200 |
| <input type="checkbox"/> MOUFLON | \$ 3.200 |
| <input type="checkbox"/> FALLOW DEER | \$ 3.200 |
| <input type="checkbox"/> CANTABRIAN CHAMOIS | \$ 3.200 |
| <input type="checkbox"/> ROEBUCK | \$ 3.200 |
| <input type="checkbox"/> PIRINEAN CHAMOIS | \$ 3.200 |

PRICE INCLUDES

- All trophy surcharges, for medal scoring.
- Airport assistance, and gun clearance.
- Professional hunter.
- Ground Transportation and lodging during the hunt.
- Skinning, Salting, and Trophy care.

PRICE DOES NOT INCLUDE

- Hotel and meals in Madrid, even during hunt.
- Trophy Packing and shipping.
- Taxidermist.
- Export permits, Veterinary Certificates and legal order forms US \$ 90 per trophy.
- Transoceanic Airlines Tickets and domestic flights.
- Tf. calls and tips.

PAYMENT

- 40% Total cost to book the hunt.
- 60% Total cost 3 Months before hunt starts.

CANCELLATIONS

- More than 6 Months date of hunt 25% deposit is retained
- Between 6 and 3 Months date of hunt 50% deposit is retained
- Less than 3 Months date of hunt 100% deposit is retained

CONDITIONS

- Daily Rate.—\$399 per day with minimum 5 Day hunt.
- Any hunting program, must include a minimum of two Trophys.
- 6% taxes of final Invoice, will be added to total cost.
- Travelling Days, included on duration of programs.
- At the moment all trophys booked, are collected. Hunt is over.
- We consider Trophy Fees should be paid by clients, if Trophys are missed or wounded.
- Non hunting companion.—\$150 per day, if extra vehicle is not required.
- Prices on this list are orientatives, and based on the exchange of 1 Dollar = 125 pts.
- Huntinspain will charge clients only for our services, and clients will pay directly all expenses.
- (X) Ibex over 225 points. US \$ - 300 per point. Due to game department regulations only two chances are possible to collect the trophy. And Fee should be paid, if missed both times.
- Boar hunt, is not considered like a trophy, to be booked like other ones, and we only hunt them during the other hunts in case we found them.
- 3 hunting days is maximum duration of hunt for one trophy, when hunting National Parks, with Game Dep. Regulations.

DRIVEN REDLEGGED PARTRIDGES

| | |
|----------------------------------|----------|
| DAILY Per hunter | \$ 150.— |
| RATE Non Hunting Companion | \$ 100.— |

Shooting Day Fees

Up to 300 Birds

\$ 1.800

Price per shooter minimum on a group of 10 hunters.

Example: Price for one couple on a group of 10 shooters for a program 300 Birds.

| | |
|--|-----------------|
| — 6 days stay (5 nights) with 3 shooting days. | |
| Hunter 5 × 150 | 750 |
| Non hunter 5 × 100 | 500 |
| 3 days × \$ 1.800 | 5.400 |
| | <u>\$ 6.650</u> |

Over 300 Birds, extra Bird \$ 40.

WORLDWIDE SAFARIS

KRASS 15
A-9560 FELDKIRCHEN
AUSTRIA
TEL.: 04276-3692
BRD · 0043-4276-3692
TELEX 422327 sprira a
FROM USA DIAL
01143-4276-3692



*20/21
20/10/89
201 in Denver
in Carri*

FAX Austria 04276-5242
From USA 01143-04276-5242

To: Mr. Donald J. Brown
Company: SCI
FAX: 9001-602-622-1205

From: Werner Fleck
Date: Dec. 4, 1989
Total pages transmitted: 1
including this page

Dear Don: Confirm your FAX dated Dec. 1, 89. I have sent you by separate mail my current brochure, containing the trophy fees for all animals I hunt. Regarding your question, please note:

Governmental trophy fee for CIC (not SCI) gold medal European brown bear, which is 300 points CIC, is DM 11,000.00 (11,000.00 German Marks) and for CIC gold medal red stag (not SCI) which is 210 points CIC, it is DM 12,800.00 (German Marks).

In Yugoslavia, all trophy fees by the government are quoted in German Marks. However, clients may pay in any other convertible currency such as US\$, using the current rate of exchange on the day the animal is shot. Please note, that there is no way to compare a CIC gold medal stag with a SCI gold medal stag. The requirements for a CIC gold medal stag are much higher and much more accurate. In Yugoslavia we do only hunt CIC gold medal stags or better.

In Austria, the trophy fee for a SCI gold medal red stag will run between US\$ 6,000.00 to 7,000.00 depending on the actual trophy quality and the rate of exchange on the day the hunt takes place. Basically, a firm price is negotiated before the hunt commences.

In Yugoslavia, all trophy fees are paid to the government. In Austria trophy fees are paid to the landowners who have the game.

In Yugoslavia, trophy fees are due per the CIC quality. In Austria, often the trophy fee is established in accordance with the hunt dates, trophy quality actually available and the hunting area.

I hope this answers all the questions you may have but you may want to wait until my brochure arrives by mail. Then you have all details. Trophy fees become only due after taking or when wounded and lost. Regards,

Werner



Booth #2439

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main file*

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THE HUNTING CONSORTIUM

HUNTING CONSULTANTS AND BROKERS
Hembacherstrasse 77
8540 Rednitzhembach
Federal Republic of Germany
Tel: (09122) 7 49 93 · Fax (09122) 7 39 93



Safari Club International
ATTN: Ms. Susan Miller
Tucson, AZ

29 November 89

-2-

5. Hungary - cont'd

Trophy fees and hotel costs before and/or after the hunt are not included. The hunt may take place any time between 1 October and 31 December 1990 - but date must be set by 31 March 1990. This hunt may be upgraded to include red stag, wild boar, roe buck, brown bear, chamois, reindeer, European moose or any other European species in season at regular rates. Non-hunters and additional hunters are welcome, both at regular rates. Value: \$ 6500.00 (this is a day of arrival + 8 hunt days + day of departure itinerary).

Trophy fees in Hungary are based on antler weight and CIC scoring method. Our guides however, have been briefed thoroughly on the SCI system and know what they have to deliver. A direct correlation is not possible, but we can provide you with the following approximate beginning prices for SCI gold medal animals of the following species: (Hunters are naturally welcome to shoot CIC gold if they so desire, but we would appreciate knowing in advance which clients wish to do this).

| | |
|------------------|------------|
| Red Stag..... | \$ 3155.00 |
| Fallow Stag..... | \$ 2795.00 |
| Roe Buck..... | \$ 1110.00 |
| Mouflon Ram..... | \$ 2290.00 |

Our negotiations have just finished in Hungary and the resulting terms, rates, trophy fee tables, etc. are now being printed. As soon as these are ready we will send you several copies. For now we give you the following:

1990 rates - Hunting Consortium in Hungary:

Daily Rates

Clovenhoofed Game Stalking other than Roe:

| | |
|---|-----------|
| 1 Client with 1 Professional Hunter..... | \$ 375.00 |
| 2 Clients with 1 Professional Hunter..... | \$ 300.00 |

Roe Deer Stalking:

| | |
|---|-----------|
| 1 Client with 1 Professional Hunter..... | \$ 225.00 |
| 2 Clients with 1 Professional Hunter..... | \$ 200.00 |

Non-hunting guests and Non-hunting/Rest Days

for Shooting Clients.....\$ 125.00

Personal Escort Supplement.....\$ 50.00

Guided Sight-seeing Supplement (incl. car)

| | |
|----------------|-----------|
| 1/2 Day..... | \$ 75.00 |
| Whole Day..... | \$ 150.00 |

These rates are based on the German Mark and will fluctuate with the official exchange rate.

...-