

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1710 SCOMM 67: GUIDING AND GAME TASK FORCE, 1989-1990

1278



IN REPLY REFER TO:

RF/9684r/48-49

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. TUDOR RD.
ANCHORAGE, ALASKA 99503

DEC 07 1989



RECEIVED

DEC 13 1989

JAN FAIKS
SENATE OFFICE

Lewis Pamplin
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99502

Dear Lew:

Recently we sent a questionnaire to all refuge managers in an attempt to determine the potential problems that may result if there were no control over the number of guides. We also asked them for the estimated annual harvest by guided hunters and unguided hunters. From the information received, we hope to be able to find out which areas of the state are the highest priority for developing the proposed guide/outfitter resource maps. A summary of the responses is enclosed.

Most of the potential problems identified related to the possible conflict between increased numbers of sport hunters and subsistence users, or potential problems with: overcrowding in prime hunting areas; overcrowding in areas with limited access; conflicts with unguided hunters; and reduction in the number of trophy animals. The refuges that identified potential impacts to wildlife populations were: Alaska Peninsula/Becharof and Izembek National Wildlife Refuges for brown bears; Izembek National Wildlife Refuge for caribou; Arctic National Wildlife Refuge for sheep; and Arctic and Alaska Peninsula National Wildlife Refuges for moose.

Of interest is the percent of the various species taken by guided hunters on refuges.

Brown bears	36.2%
Black bears	5.7%
Caribou	8.9%
Sheep	39.9%
Deer	5.0%
Moose	7.1%

Also of interest is the fact that 113 guides currently have special use permits to operate on refuges. Those refuges with the most demand, Alaska Peninsula/Becharof, Kodiak, and Arctic National Wildlife Refuges indicated the most potential resource problems (with the exception of Kodiak National Wildlife Refuge, where the harvest is regulated by state permits).

Based on this information, we recommend the highest priority be given to developing guide/outfitter resource maps and implementing the proposed guide/outfitter allocation system for the following refuge areas:

1. Alaska Peninsula/Becharof, Izembek National Wildlife Refuges GMU 9
2. Arctic National Wildlife Refuge GMU 26B, 26C, 25A
3. Kodiak National Wildlife Refuge GMU 8

The second highest priority should be given to:

4. Kenai National Wildlife Refuge GMU 15, 7
5. Togiak National Wildlife Refuge GMU 17

The remaining refuge areas are listed in order of priority:

6. Koyukuk National Wildlife Refuge GMU 21
7. Innoko National Wildlife Refuge GMU 21
8. Selawik National Wildlife Refuge GMU 23
9. Tetlin National Wildlife Refuge GMU 12
10. Nowitna National Wildlife Refuge GMU 21
11. Yukon Flats National Wildlife Refuge GMU 25
12. Yukon Delta National Wildlife Refuge GMU 18
13. Alaska Maritime National Wildlife Refuge GMU 10
14. Kanuti National Wildlife Refuge GMU 24

If you have any questions regarding the guide/outfitter issue, please contact John Kurtz at 786-3355.

Sincerely,

Walt Stiglich

Regional Director

Enclosure

POTENTIAL PROBLEMS							ESTIMATED AVERAGE ANNUAL HARVEST												
Wildlife Refuges	NUMBERS OF GUIDES UNDER PERMIT 1989							Brown Bear		Black Bear		Caribou		Sheep		Deer		Moose	
		Brown Bear	Black Bear	Caribou	Sheep	Deer	Moose	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters	Guided Hunters	Unguided Hunters
Alaska Maritime	1	--	--	--	--	--	--	2	1	0	0	6	30	0	0	0	0	0	0
Arctic	17	C	--	--	A	--	A	15	15	1	5	30	170	90	110	0	0	18	60
Alaska Peninsula/ Becharof	45	A	--	C	--	--	A	75	270	0	0	225	750	0	0	0	0	57	105
Innoko	2	--	--	--	--	--	B	0	0	2	?	0	?	0	0	0	0	10	30
Izembek	8	A	--	A	--	--	--	50	15	0	0	25	300	0	0	0	0	0	1
Kanutai	0	--	--	--	--	--	B	0	2	0	6	0	10	0	0	0	0	0	35
Kenai	6	C	--	--	C	--	C	2	9	6	88	1	16	4	30	0	0	11	450
Kodiak	18	C	--	--	--	C	--	63	52	0	0	0	0	0	0	250	4750	0	0
Koyukuk	1	--	--	--	--	--	B	0	1	1	75	0	25	0	0	0	0	4	270
Nowitna	0	--	--	--	--	--	B	0	0	0	?	0	0	0	0	0	0	0	55
Selawik	2	B	--	--	--	--	B	0	10	2	7	5	1500	0	0	0	0	5	85
Tetlin	2	--	--	--	--	--	--	2	2	0	4	0	2	3	5	0	0	2	12
Togiak	5	B	--	B	--	--	B	8	2	0	0	0	0	0	0	0	0	?	?
Yukon Delta	3	B	--	B	--	--	B	5	5	0	40	0	25	0	0	0	0	0	100
Yukon Flats	3	--	--	--	C	--	--	2	10	4	40	1	150	0	1	0	0	4	240
TOTAL	113							224	394	16	265	293	2978	97	146	250	4750	111	1443
Percent Harvested by Guided Hunters								36.2		5.7		8.9		39.9		5.0		7.1	

A - Potential Impact To Wildlife Resources

B - Potential Impact To Subsistence Users

C - Other Potential Impact (Quality, Limited Access, Unguided Hunters etc.)

Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

January 29, 1990

Paul Schmidt
U.S. Fish & Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99507

Dear Mr. Schmidt:

Attached is the final report to the Legislature from the Legislative Task Force on Guiding and Game.

Pursuant to Chapter 10 SLA 89, the report provides to the Legislature the task force recommendations for a resource-based big game guide-outfitter industry management system which it believes will withstand constitutional challenge.

Draft legislation reflecting the recommendations is included with the report and is to be introduced next week.

Sincerely,

A handwritten signature in black ink, appearing to be "Jan Faiks".

Senator Jan Faiks
Task Force Chairman

JF:mr
Enclosure

Thanks so much for all your support!

OUT OF SESSION

3111 C STREET ANCHORAGE, ALASKA 99503 907-561-7610

The following individuals were sent copies of the final report to the Legislature from the Legislative Task Force on Guiding and Game - with the attached letter.

Paul Schmidt - USFWS - Anchorage
Stan Leaphart - CACFA - FBX
Gary Gustafson - ADNR - Anch
John Turner - USFWS - WA DC
Mike Barton - USFS - Juneau
Boyd Evison - NPS - Anch
Walter Stieglitz - USFWS - Anch
Dale Robertson - USFS - WA DC
James Ridenour - NPS - WA DC
Larry Kimball - AFN = Anch
Senator Stevens
Senator Murkowski

Copies of the report to the Legislature by the Legislative Task Force on Guiding and Game were mailed to the following:
(In addition to the 15 member task force)
a/o 1-29-90

Joe Miguel
Rebecca Kaiser (NPS)
Senator Stevens
Senator Murkowski
Congressman Young
Marianne See (ADFG)
SuZanne Miller (ADFG)
John Turner (USFWS)
Steve Pradell (Birch-Horton)
Bill Horn (Birch-Horton)
Henry Springer
Terry O'Sullivan (BLM)
Leo Keeler (USFS)
Gordan Windell
Mike Barton (USFS)
John Kurtz (USFWS)
Boyd Evison (NPS)
Brent Jones (APHA)
Amil Portscheller
Walter Stieglitz (USFWS)
Dale Robertson (USFWS)
James Ridenour (NPS)
Larry Kimball (AFN)
Gary Gustafson (ADNR)
Stan Leaphart (CACFA)
Paul Schmidt (USFWS)

Proposed by
ADFG

Revised

GUIDE-OUTFITTER RESOURCE AREA ALLOCATION PROGRAM

Basic Program Description: Three classes of guide-outfitter operation permits would be established. The Commercial Services Board would make a determination of how many of each class of permit to award in each guide-outfitter resource area. Sole use could be awarded in an area under certain circumstances, but joint use would be the norm.

Permit Classes:

Class A permits would be for 30 years and would not be limited in the number of clients or big game species which could be hunted. Class A permit holders would not be allowed to hold another Class A permit, but could hold additional Class B and/or C permits in other areas.

Class B permits would be for 10 years and would be limited in both the number of clients and big game species which could be hunted. Class B permit holders would be allowed to hold additional Class B and/or C permits in other areas.

Class C permits would be for 5 years and would be limited in both the number of clients and big game species which could be hunted. Class C permit holders would be allowed to hold additional Class B and/or C permits in other areas.

Fees: A conservation tax based on the number of animals taken would be established:

Class A permit holders would pay 50% of the nonresident tag value for each animal taken.

Class B permit holders would pay 35% of the nonresident tag value for each animal taken.

Class C permit holders would pay 20% of the nonresident tag value for each animal taken.

Determining the Number of Permits per Area: Based on information provided by the Department of Fish and Game on the status of wildlife populations and the historical nonresident harvest in each area, the Commercial Services Board would make a preliminary determination of the number of each class of permit to be awarded in each area. These determinations would be published and subject to public review. The Board would make final determinations after reviewing the public input.

CSB

Application Process: All applicants would be required to submit an operational plan which stated the number of proposed clients, the big game species, and the proposed locations of base camps.

Award Criteria: Different levels of the currently proposed award criteria would be established for each permit class (for example, the economic viability test for a Class A permit would be greater than for the Class B or C permits). Extra points would be added to an applicant who had held a permit of a lower class in the area (for example, a Class B permit holder would get extra points in applying for a Class A permit).

Award Process: For each guide-outfitter area the Commercial Services Board would first award the Class A permits, then the Class B permits, and then the Class C permits. Applicants who failed to obtain a Class A permit would then be allowed to apply for Class B or C permits.

Annual Reporting: All permit holders, regardless of class, would be required to resubmit their operational plans for each permit area with any amendments for the next year.

Penalties: Appropriate penalties for operating outside of the approved operational plans would need to be established.

March 30, 1990

60 mark
great
thanks.

NOTES on Guide-Outfitter bill situation

Two issues

A number of the guide-outfitters remain adamant that they oppose leaving the word "new" in the bill ...on page 6, line 12. The guides would rather replace it with the word "all" or leave it out. They feel it discriminates against those who have been in the business, in effect, forcing the Commercial Services Board to lean too much in favor of the people who are new to the business.

Only one person testified to this effect during any of the House Resources hearings I have attended (since this issue came up)

-----*

The transporters remain displeased over just being included in the bill. They are particularly upset over the most recent changes made in House Resources -

page 17 - line 28 add after 'float plane docks': "and who does not advertise".

Page 18 - line 3 add after 'hunters' : "and who does not advertise".

This was added after Lew Pamplin noticed that without it (Steve White agrees), a transporter could advertise, yet charge no more than "the usual tariff or charter rate" and not be included in this section. Since there is apparently no "usual" tariff or charter rate for the industry they could charge just about anything they wanted.



Office of the President

Jan Faiks, Senator

①

3-28-90

Jan -

FYI -

House Resources Passed
the Guide Bill (HB 448).

same as Senate Res. version
with a notable amendment.

Lew Pamplin noticed a problem
on pages 17 & 18. Sec. 16 add To
line 28 - (A) "and who does not
advertise." some addition To
Page 18 Line 4.

more →



Office of the President

Jan Faiks, Senator

②

Under Sec. 16 Lines 21-22 —
reference to advertising — does not
carry over to the following paragraphs.
(According To Steve White) therefore
the addition of "and who does not
advertise" is needed.

They also (PDF/G) provided a
definition for Advertising.

all three attached amendments
were adopted.

Am. 1

p. 17, line 28

Add: after "docks"

unless the person providing
transportation services
advertises as defined
in 08.54.590.

That / like bill is
starts in good shape.

Am. 2

p. 18, line 3

Add: after "hunters"

Unless the person providing
transportation services
advertises as defined in
08, 54.590.

Am. 3

Sec. 08.54.590. Definitions

add and renumber

(1) ^{or advertising} ~~"advertising"~~ ^{big game} means to make hunting and related transportation services publicly and generally known through the use of any media or indirectly through hunt broker services or promotional services.

*great update -
thank.*

April 16, 1990

Jan

Following two meetings of House Judiciary committee staff, attorneys hired by the Pro Hunters Assoc (Av Gross, Susan Burke), House & Senate Resources staff, me, Randall Burns, Beth Kerttula (AGs) and closely monitored by Joe Klutsch (guide) and Ken Dawson -

some changes are offered for the House version of the guide bill.

Page 1 - 6-2021Je (Amendment)

This again revises the fee system. The Department and the Board will decide the fee structure and amount. Eliminates the previous system (chart for guides on page 16) in the bill. This resolves the problem noted by AV Gross and which Bill Horn concurred: the fee structure failed to account for the use of areas. The state should receive greater benefit from the guides who have areas.

Page 2 - 6-2021Jf (amendment)

This revises the section on page 6 of the bill dealing with criteria for choosing who receives which area and deletes the word "NEW" to which the guide-outfitters objected.

Page 2 of this amendment (Number 5) went thru a bunch of revisions before the final wording was established. The attorneys (4 or 5 of them) spent most of the time arguing over the meaning or interpretation of the connecting words or lack of same between 5 (a) and 5 (b). They finally decided it was best to leave out "or", "and" or "and/or".

Bill Horn however, feels it is necessary to include the word "or" between the two or the effect will be to provide too much 'leg up' for the experienced guides. So, there will be an effort to add "or" between (a) and (b).

What this does is not change the criteria (knowledge and experience) but redefines and changes the wording to hopefully, better ensure the wording will withstand court challenge. It separates knowledge and experience more clearly and removes reference to "area" except when considered with

knowledge. This was done because experience in the guide-outfitter industry does not necessarily have to do with a particular area.

-*

At this juncture, it appears the House version will be modified to clean up the language for the fees and criteria, while the Senate version will be vehicle for the other changes including the transporter language. The Senate version will be the vehicle for the bill once they both get out of their respective houses. Sen. Sturgulewski has indicated she will put it on calendar almost immediately - when it comes out of Finance.

There is some concern that Rep. Goll may get picky with the bill Tuesday during the hearing unless it appears pretty clean as far as (not) offering the established guides more than the potential "new" guides.

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."

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 AWARDDING 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

Bill Horn feels there
should be an "OR"
between (a) & (b). ~~or~~

To ensure established guides
don't receive too much
'leg up' over 'new' guys -



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."

April 27, 1990

vice-ch Anch F&G advisory Committee

Phone from Larry Holmes - Anchorage . (h - 783-2180) (w - 783-2845 --works weekends) after 7 on weekdays

He would like clarification of your position
SB 422 -- SB 381 -

He is adamant about the need to exclude mountain goats from the list of big game animals.

Mr. Holmes is very active in outdoor council, game board, and numerous other such groups. He maintains the consensus is turning toward keeping mountain goats off the list.

Says at least one group is planning on immediate legal suit if goats remain on the list after session. Another group in Fbx is already planning a campaign against folks on House Resources. He says its not a good time to support keeping the goats on the list.

He adds Steve White of AGs told him the goats were added to the list NOT because of legal necessity but to throw a bone to the guides who previously had areas. He said there is typically an excess of goats re: permits so adding them to the big game list is not a conservation consideration.

He says to be court-safe, would likely have to add all animals to the list (i.e. goats, black bear etc) - otherwise, a court likely would throw out the list - removing brown bear, sheep, etc.

*Mark - goats are not my
issue - I can easily
go either way - I'm
only trying to support
last years task force.*

Walter
'68 mark

April 27, 1990

Jan: 2 calls:

1. Phone from Marvin Walter - Southeast Director of the ABA which is I think the American Bowhunters Assoc. (h-789-0942 Juneau)

He requests your support of leaving mountain goats off the big game list. (SB 381 to do that is stuck in H. Resources) This was Duncan's amendment on the floor when SB 422 was approved.

He turned over to Sen. and House Resources petitions with 420 signatures.

Very pleasant conversation - he asks that you reconsider your position.

Totally
can't
either
way.

2. Phone from Dick Sheasley, a "C" - 2020 Salem Court, Anch 99508. daytime: 561-5582. A realty appraiser.

Urges your support of HB 523 - (in Sen. Fin) certification of real estate appraisers. He said all state are required to have such a law by July 1991.

already said
yes & no.

April 28, 1990

great
lets keep
our fingers
crossed.

JAN

I spoke with R. Burns re the D'Amico situation:

The bill which will be considered in House Resources is a corrected bill. (its a Hs CS to SB422 (Rules))

re: your concerns:

*****the bill eliminates the transporter loophole

*****the bill adds a cutoff date to the use of advertising brochures etc.

*****it puts mountain goats BACK IN the big game list

*****it provides language acceptable to guides etc, regarding the controversy over the word "new" on page 6 - re: the criteria section of the bill. (Av Gross language)

*****the language which D'Amico was concerned about ---the definitions of Transporter Services and Advertising --- was a compromise agreed to by the Governor's office, Public Safety (apparently Sgt D'Amico didnt know) Occup. Licensing(Burns) and Fish and Game etc. As I recall comments from D'Amico, he felt it was too lengthy and should be broken into TWO separate sections. That the words he desired were included with what was said. He preferred existing law which he felt could be used and expanded through regulations.

Joint House-Senate
Resources Committee
Meeting on Guide Bill
SB 422/HB 448

JOINT SENATE AND HOUSE RESOURCES COMMITTEE
February 12, 1990
1:40 P.M.

SENATE MEMBERS PRESENT

Senator Bettye Fahrenkamp, Chairman
Senator Jay Kerttula, Vice-Chairman
Senator Dick Eliason
Senator Steve Frank
Senator Rick Halford
Senator Arliss Sturgulewski
Senator Fred Zharoff

HOUSE MEMBERS PRESENT

Representative Curt Menard, Co-Chairman
Representative Richard Foster
Representative Bill Hudson
Representative Bert Sharp

HOUSE MEMBERS ABSENT

Representative Cliff Davidson, Co-Chairman
Representative George Jacko
Representative Mike Davis
Representative Navarre
Representative Walt Furnace

COMMITTEE CALENDAR

SENATE BILL NO. 434

"An Act establishing a task force to continue state initiatives for the development of a trans-Alaska natural gas pipeline; and providing for an effective date."

SENATE BILL NO. 381

"An Act relating to hunting for mountain goat by nonresident hunters; and providing for an effective date."

SENATE BILL NO. 422

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

HOUSE BILL NO. 448

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

WITNESS REGISTER

Dale Staley, Legislative Aide
Senator Duncan
Pouch V
Juneau, Alaska 99811
POSITION STATEMENT: Reviewed SB 381.

Ed Mills
Juneau Archery Club
1017 Wee Burn Drive
Juneau, Alaska 99801
POSITION STATEMENT: Supported SB 381.

Molly McCammon, Special Assistant to the Commissioner
Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802-2000
POSITION STATEMENT: Neutral position on SB 381.

Steve White, Assistant Attorney General
Department of Law
P.O. Box K
Juneau, Alaska 99811
POSITION STATEMENT: Supported SB 381.

Joe McGill
Juneau, Alaska
POSITION STATEMENT: Supported SB 381.

Senator Jim Duncan
Pouch V
Juneau, Alaska 99811
POSITION STATEMENT: Prime sponsor of SB 381.

Senator Tim Kelly
Pouch V
Juneau, Alaska 99811
POSITION STATEMENT: Prime sponsor of SB 434.

Senator Jan Faiks, Chairman
Guiding and Game Task Force
Pouch V
Juneau, Alaska 99811
POSITION STATEMENT: Supported SB 422.

Bill Horn, Former Assistant to the Secretary of U.S. Fish
and Wildlife and Parks
POSITION STATEMENT: Gave an overview of SB 422.

Randall Burns, Director
Division of Occupational Licensing
Department of Commerce
P.O. Box D-Lic.

Juneau, Alaska 99811

POSITION STATEMENT: Reviewed licensing features of SB 422.

PREVIOUS SENATE COMMITTEE ACTION

SB 434 - No previous action to record.

SB 381 - No previous action to record.

SB 422 - No previous action to record.

HB 448 - No previous action to record.

ACTION NARRATIVE

TAPE 1, SIDE 1

Number 001

#sb434

Senator Fahrenkamp called the Senate Resources Committee meeting to order at 1:40 p.m. She said that the House was still in session, so members would come when the House adjourned. Senator Fahrenkamp announced SB 434 to be up for discussion. Since the sponsor wasn't present, she set the bill aside and announced SB 381 to be up for discussion.

#

#sb381

Dale Staley, Senator Duncan's legislative aide said that SB 381 proposes to remove mountain goats from the guide specie list, that list of game that requires non-residents to have a guide present in order to hunt.

Number 100

Ed Mills, representing the Juneau Archery Club, supported SB 381 so that Alaskan guides can handle their clients, yet local sportsmen can host their friends from other states.

Number 129

Senator Kerttula mentioned that in some areas, like Yakataga, there is a considerable diminution of goat. Certain brood stock must be preserved. Mr. Mills responded that he felt Fish and Game had done a good job in Southeast Alaska - in the Taku area where they hunt, the population hasn't changed in the last 20 years. Measures may have to be taken in other areas.

Senator Sturgulewski said she would not feel comfortable taking any action on this bill today.

Molly McCammon, representing the Department of Fish and Game, said they were neutral on this bill. Whether or not

mountain goats remain on the guide-outfitter required list will not seriously affect management in Alaska. She said the projected loss of revenue was \$65,000 for this year. Senator Fahrenkamp said they would request a new fiscal note and Senator Halford requested to know if we are at the ceiling of our potential matching funds.

Number 204

Senator Kerttula asked what income was generated during the time when a guide was required. Ms. McCammon replied that the value based on a 1989 survey was approximately \$2,500 per hunter; the total loss to the state overall was a half million dollars - guide fees not included.

Steve White, Assistant Attorney General, said the reason mountain goats were required on the guide required list is because their Department has determined that if you require any animals on the guide required list, you should include all animals that represent the same challenges and dangers to the hunters since the purpose of requiring guides is for public safety.

Senator Halford clarified that polar bears are managed by the Marine Mammal Protection Act.

Joe McGill urged passage of this bill so they can have the opportunity to address it at the advisory committee level.

Senator Fahrenkamp said they would hold the bill for further testimony with the sponsor's permission. Senator Duncan agreed to hold it for a week.

#

Number 323

#sb434

Senator Fahrenkamp announced SB 434 to be up for discussion. Senator Kelly, prime sponsor, said the reason for this bill is to assure future commitment from the new administration to the establishment of an all Alaskan gas pipeline as a priority.

Senator Kerttula said he wanted to have a member of the legislature on the committee. Senator Kelly agreed, but said the Attorney General has questioned whether the legislature belongs on a task force along with the administration.

Number 384

Senator Eliason asked if he would object to requiring public disclosure from all members of the task force? He answered that he wouldn't object to that.

Number 425

Senator Fahrenkamp moved to change "the" to "a" on lines 20 and 22 on page 2. There were no objections and it was so ordered.

Senator Eliason moved to add a requirement for public disclosure from all members of the task force. There were no objections and it was so ordered.

Senator Zharoff questioned the zero fiscal note when members were to be paid travel and per diem.

Senator Kerttula moved to adopt the committee substitute. There were no objections and it was so ordered.

Senator Fahrenkamp said they would wait for the new fiscal note and act on the bill at the next meeting.

#

Senator Fahrenkamp announced a two minute recess.

#sb422

#sb448

Senator Fahrenkamp called the meeting to order and announced SB 422 and HB 448 to be up for discussion.

Number 496

Senator Faiks, chairman of the Task Force on Guiding and Game, reviewed the history of the Task Force. She said last year the legislature passed a regulatory bill that brought the guides and outfitters together and set up a regulatory process in the Department of Commerce. The Task Force was extended through January 1990 to establish a new management system for the new big game guiding and outfitting industry. The legislature asked that the scheme be based on sustained yield management. The need to establish a new system came from the outcome of the Owsichuk decision in October of 1988. She emphasized the public process involved in their deliberations.

Senator Faiks said she met extensively with the various directors with the U.S. Department of Interior who manage 60% of the land in the state of Alaska. They have approved of the legislation as it stands presently.

Number 600

Senator Zharoff asked what would happen if the subsistence issue were not resolved. She answered that the two issues are separate at this time. She said that the various federal agencies deal with their lands differently; they like the old system of exclusivity for ease of management.

Bill Horn outlined some of the rationale underlying SB ⁴²²~~442~~ and HB 448 and how the legislation has been crafted by the

task force to satisfy the constitutional criticism the supreme court articulated in the Owsichuk decision.

Essentially, the court in construing the common use clause of Article VIII, section 3 of the state constitution found a number of features in the old guide program that were incompatible with the common property concept. These are basically that the old exclusive guide areas were awarded primarily on the basis of prior use occupancy and prior investment, that there was no effective competition for the grant of that interest, and that the grant was of unlimited duration. These factors made the grant effectively a freely transferable property interest given to a guide from which the state of Alaska and the public received no consideration and the wildlife conservation and management concerns were not a primary feature of the program.

The court took pains to point out that restrictions of use on common property resources are constitutionally permissible; that differential treatment of users is also permissible.

TAPE 1, SIDE 2
Number 001

Mr. Horn reviewed the options they considered which were, incidentally, employed somewhere in the U.S. and the world. Their objectives became a creation of a system that would provide for the conservation and effective management of wildlife resources; that satisfies the constitutional requirements of Article VIII, section 3; that protects the interests of Alaska residents; that will provide for an economically viable guide-outfitter industry; and that would establish a system that will attract non-resident hunters by providing a quality experience.

The permit system works in the following fashion: The Department of Fish and Game establishes guide-outfitter use areas via a public process. Once the use areas are established and delineated, the Big Game Commercial Services Board will review the areas and determine if a specific area will be available for joint use or sole use. Once that determination has been made, that area will become available for applications. All areas in the state will be offered for competitive award in the first five years to ensure that the state is offered and to ensure that there is an adequate level of competition and ample opportunity for new entrants to get into the system.

Applications are submitted by qualified licensed guide-outfitters and the Big Game Commercial Services Board will review the pending applications to decide which applicants best satisfy eight specific criteria articulated in section 2 of the bill. The criteria are: 1. the

ability and means of the guide-outfitters to provide the services represented in his or her applications, 2. the economic feasibility of the proposed operation, 3. the applicant has either a demonstrated record of safe operations or has demonstrated the capability of operating safely, 4. there is a history of compliance with all applicable state and federal fish and game laws, 5. the applicant demonstrates experience in or knowledge of the applied for guide use area, 6. there is a history of compliance with land access and trespass regulation, 7. the applying guide-outfitter possesses or has the ability to acquire possession of the necessary land access authorizations from either private land owners or land managing entities, and 8. the applicant possesses or has the ability to acquire other necessary permits and licenses necessary to conduct the type of hunting activity that the individual seeks to provide.

The Board will decide which applicants best satisfy this criteria and they will be eligible to win the awards in a given spot. The winning applicant or applicants will receive a 120 day conditional permit which enable the prospective guide-outfitter to obtain all the other necessary authorizations. Many federal agencies will not grant a permit unless they see a state authorization. If they get the other necessary permits, the conditional permit automatically upgrades to an absolute permit. If they are unable to obtain the additional necessary authorizations, the conditional permit terminates and another applicant may be awarded the area.

The permits will be awarded for either joint use or sole use. The joint use will take a specific area and the Big Game Commercial Services Board will determine the appropriate number of guide-outfitters who can share the area either by sharing all big game species in the zone or to divide it based on species. Sole use is authorizing a single guide-outfitter the privilege for a limited period of time of hunting for all the big game species within that specified zone.

All permits will not exceed 10 years in duration. However, in appropriately limited circumstances based on express recommendations from the ADF&G some permits may be for as long as 15 years if they determine the longer permit duration serves bonafide wildlife management interests.

Permits may be suspended or revoked for term violations, failure to use for one year, and other general violations of conditions that apply to the permit.

When permits expire or have been suspended, they may be reoffered which will ensure there will be a constant stream of guide use areas that will be available for award.

If this law is adopted, permits may be transferred during the duration of the permit to another qualified guide-outfitter if the transfer is for good cause and if that transfer is expressly approved by the Big Game Commercial Services Board.

Unawarded areas will be available to other duly licensed and qualified guide-outfitters with the requirement that they must register to hunt in that area.

Consideration to the state and to the public via the wildlife conservation fee will be paid by the guide-outfitters for each big game animal taken on a guided hunt. The fee is \$25 per animal other than deer which is \$5. In addition to guide-outfitters paying this fee, transporters who carry nonguided hunters will also have to pay the same per head wildlife conservation fee if that carrier advertises hunting services to the public. They will not be required to pay if the transport of hunters is incidental to their business.

Number 215

Senator Frank asked if there was an appeal process for an unsuccessful applicant. Mr. Horn replied that there wasn't an appeal process. Senator Fahrenkamp asked if there was an appeal process for the 120 day deadline for federal permitting. Mr. Horn replied that there was probably a level of administrative flexibility built into the law. If there wasn't an appeal process, the applicant could use the court system.

Senator Frank asked about transfer of facilities. Mr. Horn said the idea is to permit the guide-outfitter to sell the facilities and not the permit. Senator Faiks said that a transfer would have to be approved by the Board and it would have to be for very unusual circumstances.

Number 280

Senator Sturgulewski asked if the estimated fiscal note of \$32,000 was adequate to meet the court ruling? Senator Faiks said the conservation fee is very controversial. Senator Sturgulewski thought that the yield was too low. Senator Fahrenkamp said they would have the fiscal note revised to reflect accurate revenues.

Senator Faiks clarified that the ADF&G must approve any change from their recommendations as to sole or joint use of an area based on management.

Representative Hudson asked if 120 days was a reasonable amount of time to obtain permits. Mr. Horn answered that it was quite adequate.

Senator Halford asked what the difference was in replacement value vs. fair market value in evaluating an area. Senator Faiks explained that market value is a "moving target." Replacement value is a figure that can be scientifically formulated.

Number 499

Mr. Horn said the mapping process which Marianne See would soon explain spelled out criteria that fish and game is to employ.

Number 540

Marianne See, from the Division of Wildlife Conservation in the ADF&G, said they supported SB 422, because it is clearly founded on wildlife conservation management concerns. She then reviewed the process they used in developing maps that will be used as a basis for the guide-outfitter use areas. They have made it a very public process, people with specific knowledge of certain areas could make that knowledge available to the Department.

The basic units they used to divide the land are watersheds. She illustrated her presentation with several of the new maps showing game management unit and watersheds boundaries. She also presented an old map they used to use.

The current status of the project is that the public input process goes for 60 days and runs until March 23. They have made maps available to the public that they can draw on. The Department provides a comment sheet for anything they can share about species, access, etc. Regularly scheduled meetings will also be held for public comment on any of their proposals.

TAPE 2, SIDE 1
Number 001

Randall Burns, from the Division of Occupational Licensing, said they have a preapplication process that they are implementing until ADF&G comes up with time-frames.

Mr. Burns said that the old system is not being used; and that currently guides are able to conduct hunts within the game management unit for which they are certified.

#

#sb434

Senator Fahrenkamp thanked everyone for their input and announced SB 434 to be up for consideration.

Senator Zharoff moved to amend page 2, line 8 to delete "but are entitled to receive per diem and travel expenses authorized for boards and commissions under AS 39.20.180." There was discussion on the proposed amendment. Senator Eliason stated he didn't think it was proper business procedure to assume a member of a private corporation is going to serve without compensation. He thinks they should be compensated for coming to the meeting. Senator Fahrenkamp said they would hold the bill and have the sponsor work on amendments to the bill.

#

Senator Fahrenkamp adjourned the meeting at 3:30 p.m.

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH 7 STATE CAPITOL
JUNEAU ALASKA 99801
907 455 1800

MEMORANDUM

March 27, 1990

SUBJECT: Proposed amendment relating to assignments
of use area permits (6-2021Jc to
CSHB 448(Resources))

TO: Representative Curt Menard
Co-Chair, House Resources Committee

FROM: George Utermohle *GU*
Legislative Counsel

Amendment 6-2021Jc to CSHB 448(Resources) deletes subsection (b) from AS 08.54.670 as contained in HB 448, as introduced.

The material deleted would prevent 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

Representative Curt Menard
Page 2
March 27, 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 AS 08.54.670(b), in the original version of the bill, can be deleted without affecting the integrity of the use area permit system proposed by the bill. 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:lmb
L10/031

Enclosure

65 Mark
Guide

Mark -
Looks OK to me
how does
about
Ken
fine

March 21, 1990

MEMORANDUM

TO: Jan

FROM: Mar

SUBJECT: Senate Resources Meeting on SB 422 - Guide bill

Discussion of the attached amendments to the Guide-Outfitter bill, SB 422. The amendments were described by George Utermohl and Randall Burns.

Halford suggested that for (p17 of CS) replace the word "listed" for "maintained" - referring to transporters are those who transport between two state or federally "maintained" airports, docks, etc. He indicated that often many airstrips are NOT maintained year to year, but they are "listed".

It was also suggested that the severability clause in the bill be removed - or at least changed to provide that related sections of the bill would be thrown out if a part of a section was declared unconstitutional. Reason: cause the bill is such a major compromise/complicated etc. If part of the provisions on areas for example, is thrown out, then the whole section should go.

Good

issues related to the offered amendments were discussed:

- (1) transporters (who will offer opinion at next meeting to the latest amendment)
- (2) Marine mammal reference - I think they may have misunderstood Randall's explanation of why it was in statute. I was unable to hear all of his explanation, so I'm not sure of all of what was said. Pamplin was at the Commercial Services Board meeting in Anchorage.
- (3) deletion of provision which prohibits guide-outfitter from selling his lodge or other facilities/equipment independent of the Commercial Services Board (amendment would allow guide to sell his facility for whatever he could get.)

Senator Fahrenkamp ordered the bill brought back either Friday or Monday to be voted out of the committee.

**Nancy Peterson in Fahrenkamp's asked me about sending a copy of the bill and the amendments to Bill Horn to get his opinion on what the impact might be. I have not discussed that with Bill - shall I ask him (if he would look over the amendments) or just have her deal with it? Most of the amendments came from Randall Burns and Steve White and many are considered house-cleaning. The big one is the elimination of the Wildlife Conservation fee and related consolidation & expansion of the Commercial Use Permit fee (noted by attached yellow stickie). The primary difference is on page 7 of the amendment - showing the breakdown list of charges per client. My handwritten note at the top says the Big Game Commercial Services Board would prefer to set the fee with help from the Game Board, rather than using this list.

You ask Bill

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

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 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 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:pl
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.

September 20, 1989

MEMORANDUM

TO: Jan
FROM: Mark
SUBJECT: Guide Task Force Agenda for Oct. 5-6 meeting

(FYI) I have arranged to have a brief verbal report from Stan Leaphart, the Executive Director of the Citizens Advisory Commission on Federal Areas.

CACFA has solicited comments/complaints from guides operating within national preserve units in Alaska. While the Commission had received very few responses when I spoke with Mr. Leaphart (9-18-89) he expected to have enough information/comments to provide the task force with a satisfactory, informative briefing at the time of the meeting.

*****-----

I have also been contacted by Joe Want of Fairbanks (who sent you his resource-based proposal for a management system). I told him I was including the proposal in the packet and did not commit to a task force discussion of it. However, I did say that if his proposal came under discussion it would probably fit in during the general discussion following the briefing from Bill Horn (agenda item for system element discussion).

**Shall I send a copy to Ken Fanning and see what he thinks of it? (I think I previously gave him a copy but I requested and have heard no opinion from him.)

gs

FAXed
9-21-89

*Feel it would at
ensure accuracy*

February 22, 1990

MEMORANDUM:

TO: Jan

FROM: Mark

SUBJECT: Proposal for Wildlife Conservation Fee
Collection/data reporting

Dana Pruhs has come up with a suggestion that may alleviate some of the heartburn suffered by transporters and others over collection of the Wildlife Conservation fee and reporting on successful hunts.

Fish and Game can produce - provide to all hunters - the harvest tickets with an attached postage free envelope. When a hunter completes a hunt successfully he simply punches or otherwise notes on the appropriate spot on the card the species bagged, when and where etc, and mails this along with his/her check for the appropriate amount in the postage free envelope and sends to the Fish and Game. This mail-in card could have a registered number which would correspond to a number on his harvest ticket.

The transporter/guide (commercial service provider) simply would note who was guided/transported and whether they were successful. A commercial provider report would be filed with Fish and Game monthly, annually or whenever to provide the desired data on the hunts. This would also be available for cross-checking with the hunter-provided reports. It would ensure that the transporter was kept involved in the process but they would not have to collect the additional fee.

This method removes from the commercial provider the onus of collecting the fee after the hunt, would streamline the data collecting/reporting for the commercial provider who likely would be rushed following the hunt. It provides information to be cross-checked.

Pruhs said he had spoken with the air carriers about this concept and they felt it was the best thing they had heard of short of them not having to do anything at all.

Johanna Munson of Curt Menard's office has spoken with Lew Pamplin about it and Pamplin reportedly doesn't think it's acceptable. Instead, he would rather see the Wildlife Conservation fee eliminated with the fee replaced by an additional amount added to the licensing charge or something of that nature and air carriers maybe charged according to the number of hunters carried.

*Sounds
Specific*

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. *good*

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)
transported fee by volume -
(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" *signed*

EFFECTIVE DATE

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

ASAP

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 Owsichuk 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. *signed*

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

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

RECEIVED

MAR 5 1990

JAN FAIKS
SENATE OFFICE

March 2, 1990

The Honorable Jan Faiks
Alaska State Senator
P.O. Box V
Juneau, AK 99811

Dear Jan,

Thanks for your endorsement of Robert Hinman for appointment to the Board of Game.

Please be assured that I will fully consider your comments when I review the candidates prior to making my selection for this position.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name and title.

Steve Cowper
Governor

March 5, 1990

Guide-Outfitter question concerning the word "new" on page 6, line 6 of SB 422.

Discussed with Bill Horn - says the word is not needed. Does not need to be statutory. He said an even better way may be to include in the Purposes and Findings section with a statement:

=====

It is the intent of the Legislature that the Big Game Commercial Services Board administer the program in such a fashion that it not unfairly discriminate against new entrants to this program.

=====

or something like - one of the purposes of this program is to establish a new system which does not rely to an unfair extent on seniority...maybe also with a comment that as a result of Owsicheck this was considered as necessary.

Wildlife Conservation fee -

3-2-90
Term of lease -
have longer - pay more

CUP could vary - depending upon # of clients
according to ~~his~~ his operational plan.

easy to check - easy to follow thru. Could be later
amended - pay more.

~~check~~ cross check w/ hunt records - set up computer

pgm - so Dept can - hunt records go to Dept. of Commerce
Computer record - to be developed by →

Transporters would pay according to the activity summary
~~also~~ - by # of hunters taken to field for hunting.

X Line 6 pg 6 - "To ensure that ~~"all"~~ "all" if "1"
guide. (rather than "new") (check on Horn statement)

call Pamplin - pvt in writing

X Joe wants proposal Trophy mgmt system

don't be totally negative - why won't it
work - (unconstitutional for JUST out of state)

X effect date - immediate for part on mapping & for section on

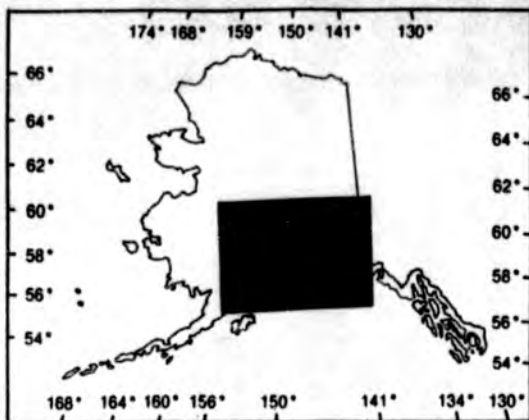
call Horn Monday

re: pg 6 line 6 - "New"

"affirmative action" ? Burns -

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

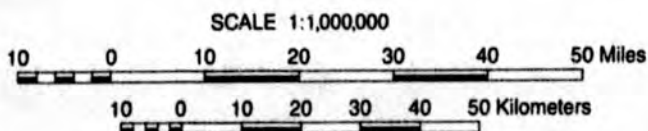
LEGEND



HARVEST REPORT UNITS FOR MOOSE, DALL SHEEP, CARIBOU, AND BROWN BEAR

- Game Management Units
- Game Management Subunits
- Minor Tributaries
- Southcentral Regional Boundary

See the Alaska Habitat Management Guide Reference Maps, Southcentral Region, for the 1983-1984 and 1984-1985 reported harvest and number of hunters and hunter-days by minor tributary units for moose, Dall sheep, and caribou. Additional data for moose, Dall sheep, caribou, and brown bear based on minor tributaries may be obtained from the Statistics Section, Division of Game, Anchorage.



ALBERS EQUAL AREA PROJECTION

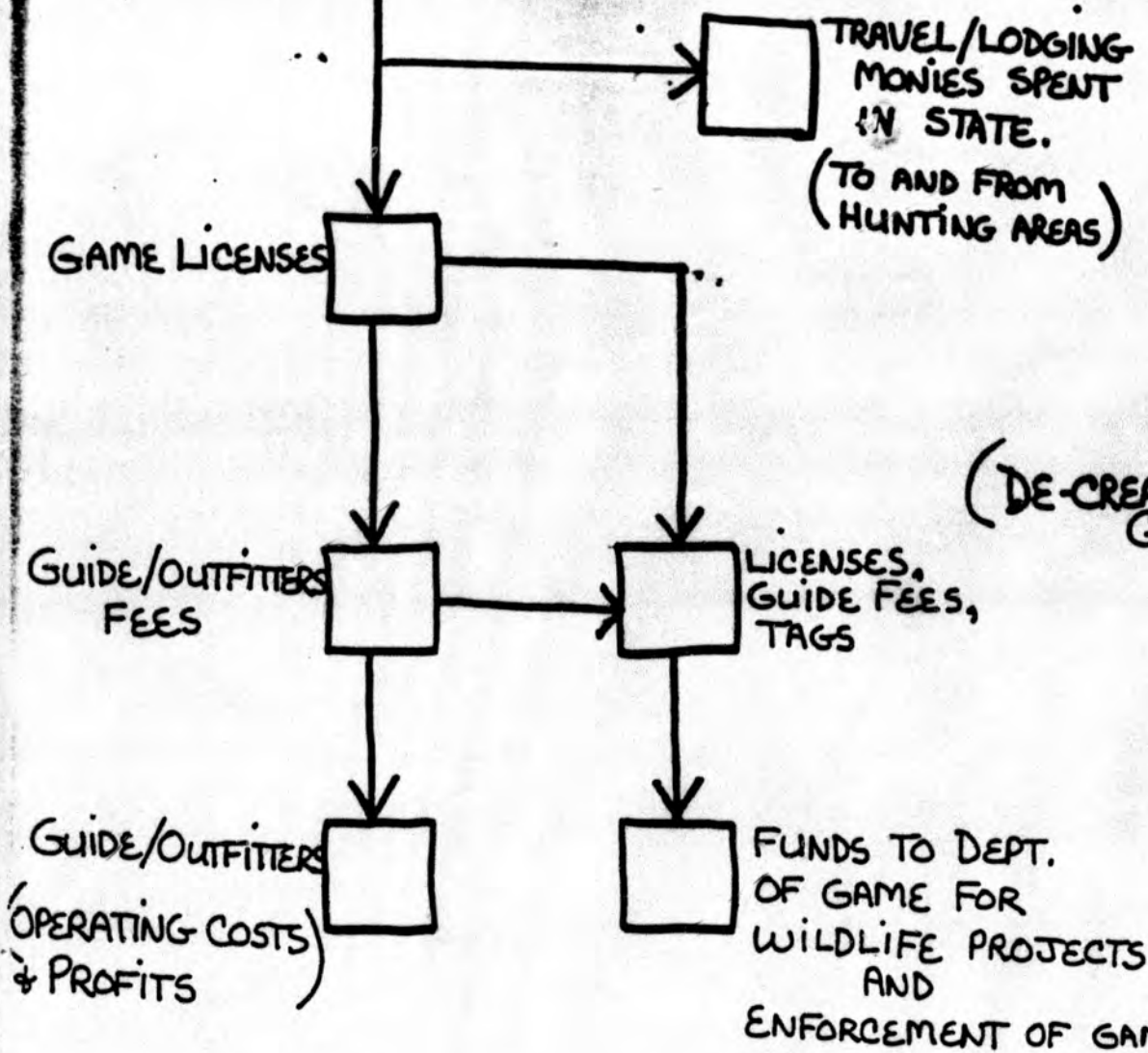
SOURCE: ADF&G 1983g



STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
HABITAT DIVISION
1985



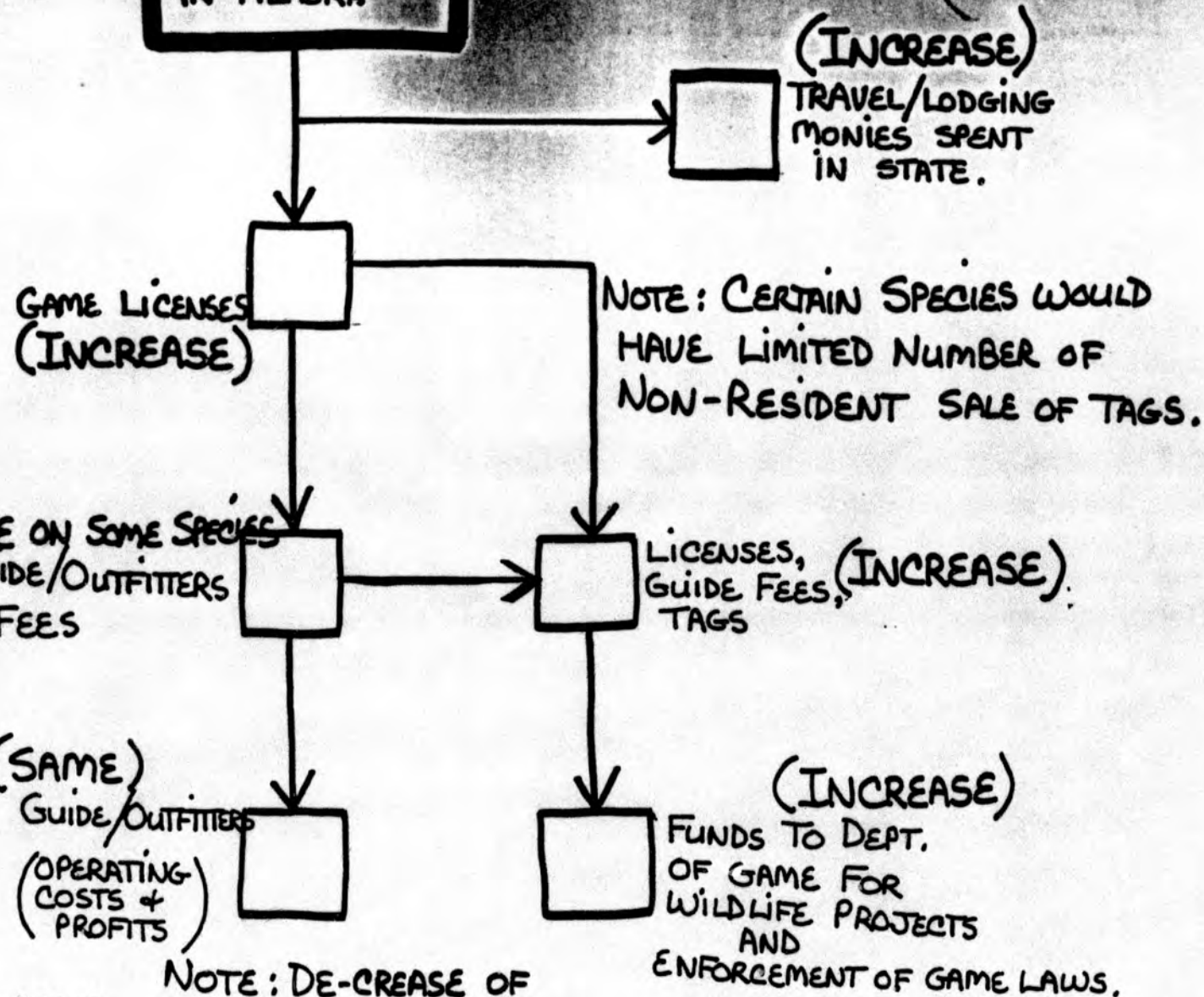
NON-RESIDENT
HUNTERS
MONIES SPENT
IN ALASKA



proposal from a guide -

NON-RESIDENT
HUNTERS
MONIES SPENT
IN ALASKA

AND BROWN/GRIZZLY BEAR FOR
ALL NON-RESIDENT HUNTERS.



NOTE: DE-CREASE OF HUNTERS BOOKING HUNTS FOR PRESENT MANDATORY GUIDE SPECIES WOULD BE OFF-SET BY NON-RESIDENT ALIENS

SCOMM

67:20

changed in Senate Revenue

changed in Senate 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,
7 the Big Game Commercial Services Board, guide-out-
8 fitters, transporters and air carriers, and providers
9 of other big game commercial services, and commercial
10 use permits; and providing for an effective date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that
13 (1) unregulated access to game management units by guide-out-
14 fitters
15 (A) can potentially harm the state's valuable big game
16 resources by allowing overharvest of big game species or populations
17 that have a low recovery capacity or that exist in low abundance; and
18 (B) has hindered management of hunters guide-outfitted by
19 guide-outfitters, led to conflicts among guide-outfitters, and de-
20 creased the quality of the hunting experience for clients of guide-
21 outfitters and other hunters;
22 (2) an economically viable guide-outfitter industry can offer a
23 quality hunting experience to hunters from throughout the world who seek a
24 unique opportunity to pursue and take trophy big game animals in the state
25 and can contribute significantly to the state's economy by increasing
26 tourism and supporting a variety of businesses associated with the guide-
27 outfitter industry;
28 (3) the guide-outfitter industry provides an opportunity for
29 enhancing the state's economy, particularly the underdeveloped economies of

SB 422

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 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 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. [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
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 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. [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED].
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 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 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 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, [REDACTED]

17 [REDACTED]
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 * 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 
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, [REDACTED]

8 [REDACTED] 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. [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED] annual commercial use
10 permit fee [REDACTED]

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

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

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

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

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

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

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

1 * 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. [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED] annual commercial use
10 permit fee \$ [REDACTED]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the field; "transportation services" does not include the carriage by
2 aircraft of big game hunters, their equipment, or big game animals
3 harvested by hunters (A) on nonstop flights between state [REDACTED]
4 [REDACTED] or federally maintained airports [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED] or (B) by an air taxi operator or air
10 carrier [REDACTED]
11 for [REDACTED] the carriage of big game hunters, their equipment, or big
12 game animals harvested by hunters [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED] AS DEFINED BY THE BOARD, SECTION
21 [REDACTED]

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 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, [REDACTED]

4 [REDACTED] or federally maintained airports [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 [REDACTED] or (B) by an air taxi operator or air
10 carrier [REDACTED]
11 for [REDACTED] the carriage of big game hunters, their equipment, or big
12 game animals harvested by hunters, [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] soliciting big game hunters to be customers [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

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