

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6522 SENATE RESOURCES

986

regulations on all factions of the hunting and visitor guiding industry. These regulations are like sand bags being thrown against a poorly constructed and crumbling dam. Not only has the exclusive guide area system been declared unconstititutional; IT DOES NOT WORK. The government control that had become necessary to keep the EGA system going was indeed creating chaos long before the Owsichek decision. It is now easier for a doctor to get a license in the State of Alaska than it is to become licensed as a guide/outfitter. Total government control has not worked in socialist and communist countries and it will not work with our guiding industry.

The state's EGA system has also created a dangerous situation for the guiding industry on Federal land. The system gives the Federal agencies a way to eliminate all guiding on Federal land by attrition. It gives them a way to eliminate a "mangement problem". A problem which is consistant with the Theology of some Federal agencies, when they should (under various legal mandates) be exploring expanded visitor uses.

To say that it is the Guide Board or Task Force's responsibility to conserve game is incorrect. Guide licensing and game management are two separate and unrelated legal and game management concepts. Trying to manage game by limiting, restricting and putting unnecessary requirements on guides, outfitters, air taxis, etc. is not "game" management unless it is a component of an overall "take" permitting program. Game must be managed by wildlife behavioral professionals, game biologists, not politicians or the guide industry.

The purpose of the EGA system was to protect the income of a privileged few. It was not to conserve game. For those who continue to tell themselves that the purpose of the EGA and the Task Force's recommendations are to conserve game or is "resource based", are lying to themselves. Look at the industry in the last year of the EGA system - the game was not being preserved by the EGA system and the chaos of THAT EGA system is still obvious. Unfortunately, we anticipate this will continue under the new proposal.

As Vice President of The Alaska Professional Sportsmen's Association I recommend:

1. A total rewrite and simplification of guide laws. Establish two licenses. One license would be for guiding or outfitting all species of big game. This license should require a two year apprenticeship, taking no less than one

guided hunter a year to qualify. The second license would be for guiding or outfitting to take moose, caribou and black bear only. This would require a one year apprenticeship. There is no reason to separate guiding from outfitting as they are so close that they are impossible to separate rationally and the Supreme Court found them both to be common users.

2. Establish a lottery and registration permit system for all non-residents. They are the consumptive "users" of the game, not the guides or outfitters. The lottery should be 6 to 8 months prior to the hunting season. Among other advantages, such a permit system will:

a. Manage the game and limit the kill by permit or registration.

b. Stop "hot spots" or kill zones from developing and spread hunting pressure through the state.

c. Stabilize hunting seasons and adjust the management of game by decisions made before the kill as well as after the kill.

d. Leave game management with the proper agencies.

3. The guiding/outfitter test should be administered one or two times a month by a college or a private firm the same way insurance license tests and other licensing tests are given. A practical test given in this manner insures fairness, equality and an acceptable level of competency in a guide. This eliminates bias and favoritism. The Division of Licensing should only issue a license to a person who passes the test, not dictate how one might get a license.

4. Discriminatory users fees, presently charged only of guides, outfitters, transporters, etc. should be eliminated. The present type of user fee violates equal protection under the law and discourages visitors. The standard tag and license fees are themselves user fees and can only be charged to the hunter who takes the game not to the person providing a guiding service to the hunter. The guide is only one link in a long chain of services provided a hunter. Hotels, restaurants, airlines, taxis all provide services. The system should also leave the choice of which guide or outfitter or service provider a visitor wishes to use to the visitor. It is not the government's role to dictate who a visitor must choose to provide guiding service.

5. Any and all licensed commercial service providers should be allowed to operate in the entire state. Allowing some guides to hunt the entire state while others are limited to

one game unit also violates the common use and equal protection clauses of our constitution. A game permit system eliminates the need to limit the areas in which a guide can operate. The game is managed by the allowed permits acquired by the visitor and all the other users.

6. The state should not mandate unreasonable insurance. Our legislature took it upon itself to mandate insurance levels for guides when doctors and other professionals are not required by law to have insurance. This was done without reasonable public notice and input and imposed at the most difficult time of the season. The legislature's effect on the industry by mandating such unreasonable insurance requirements was to eliminate the "small guy". Remember that insurance does nothing to protect the hunter, the game or the guiding industry. If anything, it causes the guide to take more game, over and over, in order to pay the costs of the insurance. Guiding is a private service business and the state should treat it as such. Alaska has civil courts in place to handle any negligence or complaints between a guide and clients. Use this system. It is much more appropriate and cost effective.

7. A point system, much like the driver's license system, should be established to discipline guides. This would reduce the favoritism we have seen in the past and it would let a guide know where he or she stands when convicted of a fish or game violation. This point system should be reasonable and should not be used as a means of reducing the number of guides but of putting more pressure on those who violate. A point system should eliminate the substantial cost of hearings and greatly reduce the cost of enforcement.

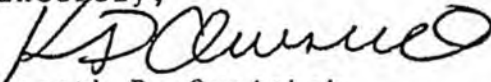
8. The Federal government likes the limited entry concept. It fits right in with their efforts to eventually stop all consumptive uses on park and refuge lands. The task force should recommend that the legislature demand, of the Federal government, the return of control of all fish and game management in the state to the state. All other 49 states have control of their resident fish and game and Alaska should not be treated differently. Law suits are already being developed to attack this inequality. It is time Alaska becomes a state and not an extension of the Federal Department of the Interior.

9. The task force should establish policies that encourage tourism and use of our renewable resources. The state spends millions of dollars to bring tourists to Alaska but

once they are here, the state doesn't want them to do anything other than take the train or ride the road. Does the state really want visitors to have access to our recreational resources?

10. The task force should recommend policies that establish scientific management of our fish and game, not policies that socioeconomically manage people. Equal access (common use) to our waters, fish and game is guaranteed by our constitution. It is the duty of the Task Force and our Legislature to act accordingly. The members of APSA believe in equal access, common use and wise use.

Sincerely,



Kenneth D. Owsichuk
Vice President
Alaska Professional Sportsmen's Association

klf/KO

cc: Governor Cowper
All Task Force Members
All State Legislators

TASK

Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

FEB 7 1990

Senate

February 6, 1990

Ken Owsichek
Box 190301
Anchorage, AK 99519

Dear Mr. Owsichek:

Attached is a detailed description of the notices provided for all meetings of the Legislative Task Force on Guiding and Game that you requested. After the initial meeting of June 29th which was held for the purpose of organizing the task force, each meeting was preceded by phone calls to task force members to establish a time and meeting place for the upcoming meeting. Once a date was agreed to, staff notified the members by mail or phone depending upon the time available before the meeting date. Also, again depending upon the time available before the meeting, various forms of public notice of the meeting were provided. The type of public notice provided for each meeting is identified in the attachments.

For the sake of thoroughness, I will also mention that on August 16th some task force members, but not a quorum, met with representatives of Birch, Horton, Bittner, and Cherot Law Offices for the purpose of discussing the scope of the work that the firm would provide for the task force. This gathering did not constitute a meeting for purposes of application of AS 44.62.310, but was, rather, an administrative gathering between staff and some task force members to discuss matters relating purely to the internal workings of the task force. The following people attended this gathering:

Task Force members:

Senator Faiks
Ken Fanning (by telephone)
Lew Pamplin (Wildlife Conservation)
Randall Burns (Occupational Licensing)

OUT OF SESSION

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

Ken Owsichek
Page 2
February 6, 1990

Staff:

Mark Rienle (Senator Faiks)
Steve White (Assistant Attorney General)

Birch, Horton representatives:

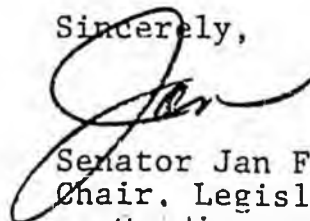
Steve Pradell
William Horn (by telephone)

I was discouraged to learn from my staff that, following your visits to my office in November and December, despite being urged to do so, you declined to participate in the task force hearings, suggesting instead that you had better things to do. I regret that you apparently felt it would be useless to offer testimony to the task force or to listen to the panel's discussions of issues. Significant changes based upon testimony were made to recommendations adopted by the task force. I feel that the task force could have benefited from your comments.

Much of your letter of January 20, 1990 consists of objections you have to policy decisions made by the task force. I regret your dissatisfaction with those policy decisions and can only urge you to bring these concerns to the attention of the legislative committees that will be working on the guiding legislation. It is not too late to attempt to influence those decisions.

In closing let me assure you that every effort was made to notify interested persons of meetings of the Legislative Task Force on Guiding and Game, that public testimony was actively solicited, and that public comments were seriously considered by members of the task force before recommendations were adopted.

Sincerely,



Senator Jan Faiks
Chair, Legislative Task Force
on Guiding and Game
(terminated January 25, 1990)

JF:TBC:pl
WKPI/105
Attachments

Ken Owsichek
Page 3
February 6, 1990

cc: Governor Cowper

All members of the Legislative
Task Force on Guiding and Game

✓ All State Legislators

William Horn
Birch, Horton, Bittner and Cherot

THE FOLLOWING ATTACHMENT IS A LIST OF ALL TASK FORCE MEETINGS

JUNE 29, 1989 - (work session) (posted Public Notices at Anchorage LIO, Senate Secretary posting)

JULY 19, 1989 - (work session) (notice may have been posted at the Anchorage LIO and notice may have been given to one or both of the Anchorage newspapers but no records exist to verify)

OCTOBER 5-6, 1989 - (combination work session/regular meeting with public comment)

(newspaper ads, written notice to staff mailing list)

NOVEMBER 8, 1989 - (regular meeting - public comment)

(posted Public Notice at Anchorage LIO, newspaper ads, written notice to staff mailing list and to approximately 1500 commercial licensees, landowners, agencies from agency lists, available to statewide teleconference network)

NOVEMBER 20, 1989 - (regular meeting - public comment)

(posted Public Notice at Anchorage LIO, newspaper ads, written notice to staff mailing list and to approximately 1500 commercial licensees, landowners, agencies from agency lists, available to statewide teleconference network)

DECEMBER 11-12, 1989 - (regular meeting - public comment)

(posted Public Notice at Anchorage LIO, newspaper ads, written notice to staff mailing list, available to statewide teleconference network)

JANUARY 4-5, 1990 - (work session with public comment)

(posted Public Notice at Anchorage LIO, available to statewide teleconference network)

JANUARY 22, 1990 - (final meeting - work session)
(available to teleconference network)

(posted Public Notice at Anchorage LIO, available to statewide teleconference network)

The attached press release was issued by the Legislative Task Force on Guiding and Game following their June 29, 1989 organizational meeting.

The release was provided to all radio, television and newspaper outlets in Alaska.

copy

June 29, 1989

PRESS RELEASE

Subject: Legislative Task Force on Guiding and Game

Senator Jan Faiks was elected Chairman of the Legislative Task Force on Guiding and Game during an organizational meeting in Anchorage Friday, June 29th.

The panel is made up of 15 members who represent the general public, Alaska natives, industry, the legislature and state agencies. The task force will develop a resource-based management system for allocating big game hunting opportunities among guide-cutfitters.

Under the chairmanship of former Representative Henry Springer, in January the task force presented the Legislature with a package of recommendations. The effort resulted in the passage of House Bill 112 and Senate Bill 139. Both have been signed by the Governor. HB 112 provides for changes in regulations pertaining to the commercial big game industry in Alaska. SB 139 extended the task force for another year to develop recommendations for a statewide big game management plan.

The task force will conduct meetings throughout the legislative interim.

For additional information please call 561-7610.

The following is a list of newspapers in which advertisements were placed for the Legislative Task Force on Guiding and Game

Attached is a sample ad (all adds were similar with dates and times changed)

for the October 5th & 6th meeting:

Anchorage Daily News
Anchorage Times
Fairbanks Newsminer
Peninsula Clarion
Juneau Empire

For the November 8th meeting:

Anchorage Daily News
Anchorage Times
Fairbanks Newsminer

For the November 20th meeting:

Anchorage Daily News
Anchorage Times
Fairbanks Newsminer
Frontiersman
Peninsula Clarion

Legislative Task Force
on
Guiding and Game
will meet on

October 5th
10 a.m. to 4:30 p.m. • Work Session

7 to 9 p.m.
Public Testimony
Game Management Plan Options

October 6th
10 a.m. to 4:30 p.m. • Work Session

at
Anchorage Legislative Information Office
3111 C Street, First Floor

Public Welcome!

Senator Jan Faiks
Task Force Chairman

• For more information, call 561-7610 •

Also included in the packet to Mr. Owsichuk was a copy of the "staff-generated" task force related mailing list of about 140 individuals compiled during the time from June 29, 1989 to January 25, 1990.

The list was comprised of individuals and organizations who requested their names be placed on "the mailing list", in addition to task force members and others directly involved in the task force work either on a continuing or a temporary basis.

In addition to individuals and organizations on this list, mailed notices of meetings were sent to native organizations, village entities and all municipalities. Names and addresses for these groups were obtained from federal agencies in the form of mailing labels. Notices were also sent to licensed guide-outfitters and licensed members of related occupations, including air transporters and commercial use permit holders. These names and addresses were supplied by the Division of Occupational Licensing in the form of mailing labels.



SIGN-IN SHEET

SPONSOR: Senate Resources
 SUBJECT: SB 422: Guide - But refers the Quo
SB 317: Furber Practice Act

START/END TIME: 10:00 A.M. DATE: 3/19/90

PLEASE PRINT

	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	
1	<i>Don Nelson - Senate</i>	<i>P.O. Box 38, Galena, AK</i>	<i>99741</i>	<i>907 656-1606</i>	<i>T</i>
2	CHRISTIAN A. SMITH	ADELE FAIRBANKS		456-5156	X
3	Andy Reynolds	P.O. Box 191 Ester	99725	479-5958	X
4	Art Andreis <i>Sen</i>	P.O. Box 55818, N.P. AK	99705	488-2352	
5	Pete Buist	POB 1561 Flax	99707	457-7189	X
6	DSON Buist	POB 1561 Flax	99707	457-7189	
7	Ray Smith	P.O. Box 55347 N.P. AK	99705	488-3517	
8	Bernad Gaidoko	P.O. Box 80424 Flax	99708	479-6354	
9	Chris Mousch <i>Senate</i> <i>chiefs Conf</i>	172 1st Ave Flax AK	99701	452 8251	X
10	JOE WANT	P.O. Box 10044 Flax AK	99710	457-4736	X
11	Don Troutman	2453 Home St. N.P. AK	99705	488-6300	X
12	CURTIS HAMLIN	2998 SUPER CURB LANE	99705	488-6557	
13	MAX J. HUHAI DORF	GALENA, ALASKA	99741	656-1606	X
14	GARY D. LEE	201 1 st Ave Flax	99701	452-4755	
15	LARRY KELLY <i>For Bow Ricketts (FIND)</i>	209 2nd Ave. Flax, AK	99701	452-1105	

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**



SIGN-IN SHEET

SPONSOR: Senate Resources
 SUBJECT: SB 422: Guide - but just use one
SB 317: Forest Practice Act
 START/END TIME: 10:00 A.M. DATE: 2/19/90

PLEASE PRINT

	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	TESTIFY	OBSERVE	BILL #
1	Tom Nelson - Senator	P.O. Box 38, Galena, AK	99741	907 656-1606	X	X	
2	CHRISTIAN A. SMITH	A OFFICE FAIRBANKS		456-5156	X		SB 422
3	Andy Reynolds	P.O. Box 191 Ester	99725	479-5958	X		
4	Art Andreis ^{inmate}	P.O. Box 55818, N.P. AK	99705	488-2352	X	X	SB 422
5	Pete Buist	POB 1561 Fob	99707	457-7189	X	X	422
6	DSON BUIST	POB 1561 Fob	99707	457-7189		X	422
7	Ken Smith	P.O. Box 55347 N.P. AK	99705	988-3517		X	
8	Bernad Gaiduke	P.O. Box 80434 Fbks	99708	474-6354		X	422
9	Chris Mousch ^{Janana} ^{chiefs conf}	172 1st Ave Fbks AK	99701	452 8251	X		422
10	JOE WANT	P.O. Box 10044 Fbks AK	99710	457-4736	X	X	422
11	Don Troutman	2453 Homestead Dr. N.P. AK	99705	488-6300	X		422
12	CURTIS HAMLIN	2998 SUPER CUB LN.	99705	488-6887		X	422
13	MAX J. HAHN DORF	GALENA, ALASKA 99741		656-1606	X	X	
14	GARY D. LEE	201 1st Ave Fbks 99701	99701	452-4755	X	X	
15	LAARBY Kelly For Bow Ricketts (CIND)	709 2nd Ave Ave Fbks AK 99701		452-1105	X		

COMMITTEE: Senate Resources DATE: 2-19-90 TIME: 10:12 am
 SUBJECT: SB 317: Forest Practices SB422: Guide
 MEMBERS: Senator Jahnkamp, Senator Frank,

(336)

SPEAKER	TAPE # Side #	SIGNIFICANT INFORMATION
Senator Jahnkamp	0.05	I think we'll get started
Christian Smith	1.43	Thank you Senator
Jahnkamp	9.42	Thank you very much
Christian Smith	10.26	Right, okay the current status
Jahnkamp	11.56	I have, I do have one
Senator Frank	12.34	Ah yes, I have a few questions
Christian Smith	13.10	At the present time
Senator Frank	13.51	Okay let me take a
Smith	14.14	at the present time
Frank	14.26	Is that sort of thing
Smith	14.39	that may affect some
Frank	14.58	so it could
Smith	15.01	It could be
Frank	15.05	Could you give me
Smith	15.40	uh I think at this time
Frank	16.09	Are you going to shape
Christian Smith	16.42	with our concerns are
Jahnkamp	17.00	Won't these
Smith	17.05	the decisions
Jahnkamp	17.14	They don't have
Smith	17.19	they have some
Jahnkamp	17.55	you
Smith	18.00	over any changes

BILL	TAPE #	Jape i Side A	SIGNIFICANT INFORMATION
Sen. Jahn	18.20		Sorry I wanted to
Christina Smith	21.14		um, as I understand the
Jahn	21.51		we would end up
Christina Smith	21.53		I suspect
Jahn	21.59		that was his statement
Christina Smith	22.50		
Jahn	23.18		I asked Walt as well
Donna Smith	23.48		I read in the paper that
Jahn	24.14		I don't think
Trotman	24.20		for the commercial
Jahn	24.29		Yes it will
Trotman	24.31		you still
Jahn	24.41		It's still going to
Art	25.55		uh, Senator I would like to
Jahn	29.04		maybe we can
Art	29.09		Another thing I'm concerned
Frank	29.41		Can I interrupt for a minute
Andrew	29.49		uh yes I even
Frank	30.11		I might just say
Jahn	30.43		Well now Art we kept in touch
Andrew	31.17		Well I think one as far as
Jahn	32.02		You know there is a new
Andrew	32.49		
Jahn	32.51		well do you agree
Trotman	32.57		you know Bettye
Jahn	33.28		okay the reason I wanted
Trotman	33.40		there was so many
Jahn	33.57		well that doesn't

BILL	TAPE #	Tape 1 side A	SIGNIFICANT INFORMATION
Zindman	34.01		Well they
Jahrenkamp	34.34		okay lets put it this way
? Joe Wurst	34.55		When you look at
Jahrenkamp	36.08		I'll tell you right now
? Joe Wurst	36.24		I'm not trying
Jahrenkamp	36.33		Now that was brought
Andreas	36.45		I think personally
Jahrenkamp	39.58		Art, another question brought
Andreas	38.44		I was going to hit
Jahrenk.	40.14		I think some of you
Frank	40.25		Well I was going to in
Andreas	42.31		Well it seemed to me
Frank	42.52		But what do you
Andreas	43.18		Well the problem is
Frank	30		I hear what
Jahren	32		But wasn't there
Andreas	44		
John	43.57		Was that the
Pete Wurst	44.04		the same O's office
Frank	44.28		what do you base
Bust	44.31		to tell you the truth
Frank	45.01		that was the
Jan	45.15		But there is
Bust	45.21		But there, we
Frank	46.08		didn't you ^{quit} Pete
Bust	46.24		Ya we do
John	46.55		So when you
Bust	46.57		This is for specific

BILL	TAPE #	Tape Change Tape 1 Side B	SIGNIFICANT INFORMATION
Andrew	0.01		So if we could change it
Jahren	0.37		have you
Andrew	0.40		It would have to be
Frank	0.49		just another question
Andrew	1.32		I would personally say
Jahrenkamp	2.46		Well I think that is
Andrew	3.11		That is true but on the
Jahren	3.46		And I think we need to get
? ^{any} ^{sweeten}	3.58		What you might
Jahren	4.05		Well
Bust	4.17		That would discriminate
Andrew	4.36		Well in closing
? ^{Sen} ^{Jahrenk.}	6.05		You bet art I'm not trying
? ^{com} ^{ments} ^{of} ^{the}	6.41		I would like to say a
? ^{woman} ^{Smith}	7.56		I don't recall
? ^{girl} ^{Wright}	8.00		But I believe in October
Jahren	8.56		do you have
? ^{girl} ^{Wright}	8.58		Yes I do have
Andrew	9.16		I think
Jahren	9.29		how do you feel ^{about} Pete
Bust	9.32		Last year after
Jahrenkamp	9.58		I tell you I don't know
Jahren	10.26		I'm trying to
? ^{Pete} ^{Bust}	10.48		As you know I endeared
Jahrenk.	11.36		you mean Ken
Bust	11.45		He was in Mexico, or somewhere
Jahrenk.	17.16		okay Pete thank you
Frank	17.21		uh what can I ask

BILL	TAPE #	Jape 1 Side B	SIGNIFICANT INFORMATION
Buist	17.40		The reason we had
Frank	17.56		well thats interesting
Jahrenk	18.00		Group I have to call a halt out
Woods Nelson	18.14		Thank you Senator's I apologize
Jahrenk	19.45		Well that's okay the most they'd
Nelson	19.47		Well I'm in Section
Jahrenk	20.09		Absolutely we are
Nelson	20.24		Well that would be great
Jahrenkamp	21.38		and I advise you to do this
Nelson	22.30		Should that be
Jahrenk	22.32		ya and
Nelson	22.37		and the last comment
Jahrenk	22.51		have you checked
Nelson	23.11		and I thank you
Jahrenk	23.26		okay going back
Mausch	23.51		I'm also here to talk
Jahrenk	24.06		uh what day is it
Mausch	24.13		So I'm basically
Jahrenk	25.01		we have
Mausch	25.04		ya that one is the main
Jahrenkamp	25.49		There not happy at all
Mausch	25.51		So there is one a group
Jahrenk	26.55		uh thats on the
Mausch	26.58		uh well there are
Jahrenk	28.22		how did you know
Mausch	28.24		We get around
Jahrenk	28.29		uh when I asked
Mausch	28.42		its through the forest

BILL	TAPE #	Jape #1 side B: SIGNIFICANT INFORMATION
Jahren	29.50	That's uh had
Mausch	29.28	I think, this two year
Jahren	30.41	do you think the
Mausch	30.42	I think there should be
Jahren	31.08	Another question on
Mausch	31.13	uh, we would support
Jah	31.51	what about
Mausch	31.53	that would be fine
Jah	32.00	There are other
Mausch	32.22	I guess it would be
Jah	32.38	Another one was
Mausch	32.48	that was DEC
Jah	33.45	One other question that came
Mausch	34.08	I know that. one other point
Jah	35.34	what about
Mausch	35.13	Not for Tanana Chiefs
Jah	35.48	Or did you have
Jah	36.34	I guess the first thing
Jah	41.23	Can I ask a question (Mausch)
Jah	41.32	They they existed in
		Tape change - Tape #2 side A
Jah	0.01	Under this bill, let me back up
Jahren	3.50	how would
Jah	3.52	Well
Jahren	3.57	
Jah	3.59	The
Jahren	4.51	Well now Gee say
Jah	5.02	I guess we have five.

BILL	TAPE #	Tape # 2 side A SIGNIFICANT INFORMATION
Jahrenk	5.43	The thing that is confusing me
Youtman	6.05	Now most of the guides out there
Jahrenk	10.14	But you have a area
Youtman	6.17	I have area
Jah	6.25	But what are you
Joe	6.38	what would happen
Jahrenk	15.46	who guides under the permit?
Joe	15.56	As the same system we
Frank	18.29	uh uh I was just wonder
Joe	18.38	the first thing
Frank	19.11	So let me see if I got this
Joe	42	Right we use
Frank	46	So I guess you saying
Jah	20.01	But what about
Joe	20.06	he's in the same
Jahrenk	20.16	okay what about Part 1 worth
Joe	20.28	let me show you
Frank	20.48	But what if you
Andrew	21.09	let me
Joe	21.20	but the very reason
Jah	21.78	and we
Joe	21.33	I know
Frank	22.53	So who doesn't agree
Joe	23.59	The place I build the
Frank	24.08	that have lodges
Joe	24.09	Well a few have lodges
Frank	24.32	They want
Joe	24.36	that's only part of

BILL	TAPE #	Tape # 2 side A SIGNIFICANT INFORMATION
Jahrenk	2531	Once I don't understand your
Joe want	25.57	First the state
Frank	2613	There are 3
Jahrenk	2619	Am I wrong
Joe want	2625	one year
Jah	2635	Then what will do
Joe want	2642	No because one of
Jahrenk	2718	what if I'm not now
Joe want	2728	If you want to
Joe want	2735	I thought had been
Jah	2745	I'm - I guess
Joe want	2754	I don't think back n forth
Jah	2841	Absolutely, but it still
Joe want	2920	you
Jah	2923	but I
Joe want	2926	But
Jah	2941	But what do we do
	↓	back n forth with audience
	↓	no one identified themselves
Andrew	3044	See better if
Jah	3106	and you think
Andrew	3111	Sure everyone could
Joe want	3122	If someone messes up
Andrew	3231	See another point about this
Frank	3252	But under this
Joe want	3314	They wouldn't have
Jah	3434	Let me ask you
Andrew Smith	3444	wh, ya I don't think

BILL	TAPE #	TAPE 2 Side SIGNIFICANT INFORMATION
Jah	35.06	When the come up for
Frank	35.28	Randall Burns
Jah	35.32	The only comment
Jah	35.50	I'm going to
Jah	35.52	if I knew
Jah	37.08	Well if you
Jah	37.14	You understand why
Jah	37.59	You know what
Frank	38.06	Madam Chair
Jah	38.27	yah, thats why I'm
Frank	38.30	thats why
Andrew	39.44	Well to me it's
Jah	40.10	Well you know what I
		Back n forth w/ audience
Jah	40.56	did I not hear
		unidentified testimony
Jah	42.58	okay well this
Frank	42.09	But it would
		same unidentified man
Jah	42.38	I've seen that I travel
	43.10	same man
Andrew	43.25	The air taxis are
Jah	44.05	Now wh.
Andrew	44.59	It's on a lease
?	44.43	as a airtaxi
Jah	45.04	See under this
Frank	46.05	Better I think
Jah	46.24	There are a number
Frank	46.35	was the task force

Tape Change

BILL	TAPE #	SIGNIFICANT INFORMATION
Jah	0.01	That's what
Frank	0.10	
Joe Went	0.13	But But working
Andrew	1.27	What happened was
Jah	1.39	
Andrew	1.42	Right and
Frank	1.57	do you guys belong
Andrew	2.09	We
Joe Went	2.38	The general
Frank	2.54	Well that's good to know
Andrew	3.08	You would get
Frank	3.23	do you guys
Andrew	3.33	We had a organizational
Frank	3.48	Well I would just
Jahron	4.34	if you have a interior
Andrew	5.12	I would say
Joe Went	5.19	I don't know
Frank	5.47	And even if you are a
Joe Went	6.10	Well I would say ^{subjective} 10.23 could
Andrew	8.48	We will see
Jah	9.00	What you know
Andrew	9.09	Well see to like on page 10
Frank	9.47	I think it is subjective
Andrew	9.56	
Bernad Crawford	10.10	I have a lodge ^{in the middle} 10.34 could
Jahron	12.40	are the courts
Paideke	12.47	uh yes but I personally
Jah	13.48	and you know

BILL	TAPE #	Significant Information
		Tape #2 side B
Bardick	13.56	But what
Jiah	14.10	uh I think we could try
Joe want	14.21	Well the other thing
? Joe Silva	16.29	The important thing
Frank	16.46	I guess I think I'm
Jiah	17.23	According to this
Jit tman	17.35	that's fine
Jiah	18.09	and that way can't
Jit tman	18.15	that's fine
Frank	18.26	okay but hell
Tre tman	18.35	not necessarily
Joe want	18.49	Just and will be
Andreas	20.04	I think the bottom line is
Joe want	20.27	I appreciate the concern
Jiah	21.11	Well what happens to the unit
Joe want	21.20	Well the same management
Jiah	22.04	and you know that
Joe want	23.17	Well under this system
Frank	24.04	
Tre tman	24.09	That should stay
Andreas	24.29	This is the only state
	24.56	Well were saying
Jit tman	25.09	I didn't have a chance 25.29
Jiah	26.45	Well that's true
Jit tman	26.58	I still have
Joe want	27.15	But only
Andreas	27.21	and a professional
Jit tman	27.26	another

BILL	TAPE #	TYPE 2 Side B SIGNIFICANT INFORMATION
Trotman	2820	But this is a big problem
Joe	2821	May I say something
Jah	2932	Each of
Trotman	2935	What know we are
Jah	3102	Was there
Joe	3109	The court case
Jah	3138	I thought
Joe	3144	Well you can
Trotman	3223	I think everything
Jah	4343	How do
Trotman	3502	But it's a gravel
Jah	3531	I don't think
Frank	3537	It's not my purpose
Frank	3638	You can't use
Frank	3656	I didn't know
Trotman	3951	Well they've had a hard
Jah	3804	Well you know we can't
Frank	3823	But I respect what
Jah	3834	The funny part of that
Joe	3856	I disagree with this
Frank	4007	Well actually the want
Andrews	4040	The problem that's being
Trotman	4106	Well it does because
Jah	4118	Well we know
Joe	4135	I think industry wise
Jah	4245	Well I think don't
Trotman	4248	Well I'll just see interrupted
Jah	4327	I think it's a different

BILL	TAPE #	SIGNIFICANT INFORMATION
		Tape # 2 side B
Jah	44.38	you know that substance
		Tape Change Tape # 3 side A
Jah	001	I want fortunate
Joe	0.28	Is there a chance that
Jah	1.08	What we can do
Joe	1.18	Whatever we
Jah	1.29	Talk with Kelley
Frank	1.49	I think another
Jah	2.06	do you have something
Joe	2.18	I told you
Jah	7.57	Well suppose
Frank	3.10	Well I was going to
Jah	2.30	uh and is nothing met
Boedeke	3.42	Can I bring up another
		back n forth
Jah	6.42	ah gentlemen
Max	7.45	uh Max hundred \$
Jah	8.13	I think were getting very
Max	8.34	uh I intended to be here to
Jah	10.40	Max do you feel
Max	10.47	The little bit I've read
Jah	12.12	Well are you going
Max	12.31	Well were just about
Jah	13.28	To get at you
Max	12.40	there are things we need to do
Jah	19.34	Um know when we were
Max	19.50	Sanchez
Jah	23.02	Now that's not in it

H

BILL	TAPE #	Tape # 3 side SIGNIFICANT INFORMATION
Max	24.75	See from what I understand
Jah	25.31	you make sense to me
Max	25.55	The main thing I
Jah	27.22	Thank you very
Gary Lee	28.15	my name is Gary Lee
Jahren	31.21	may I ask you a couple
Lee	31.42	No I think there should
Jah	31.52	okay there was a big demand
Lee	32.10	uh that certain
Jah	32.14	okay there was another
Lee	32.59	I think the present size
Jah	33.25	and it is now
Lee	33.30	I think it is important
Jah	33.48	Okay I appreciate your comments
Reynolds	35.49	uh my concern was issue
Jah	36.08	we've heard
Reynolds	36.10	Good, good, I'm
Jah	38.24	let me ask you a question
Reynolds	39.12	absolutely, and I don't think
Jahren	40.11	Will you know in the coal industry
Reynolds	40.49	uh that is a specific scenario
Jah	43.00	But don't aren't
Reynolds	43.56	they seem to be operating
Jahren	45.16	Oh hard to
Reynolds	45.18	O know, but another concern
Tape Change Tape # 3 Side B		
Reynolds	0.01	cont'd statement
Jahren	1.17	I don't think

BILL	TAPE #	Tape #3 side B SIGNIFICANT INFORMATION
Frank	1.48	Well perhaps
Frank	2.35	1000 more top people
Frank	4.19	I guess I hadn't heard the
Reynolds	4.40	Well various sizes 1000 feet
Frank	5.21	Oh and also
Frank	5.28	Well what about
Reynolds	5.45	Yes as well as
Frank	5.55	1000 the state doesn't
Reynolds	6.11	Well were not proposing
Frank	7.00	Well that
Reynolds	7.11	No
Frank	7.12	So you'd only be
Reynolds	7.24	Yes, were taken
Frank	7.33	Is that
Reynolds	7.40	There would have to be
Frank	8.05	Well that becomes sticky
Reynolds	9.29	We've got
Frank	10.04	In Wood would we
Wood	11.35	I really remember the
Frank	13.31	Ohm thinking in that
Wood	14.32	Why?
Frank	15.36	I think in reality
Wood	15.45	But the record doesn't show that
Frank	16.00	It shows just working
Wood	16.13	I don't
Frank	16.50	Now the boreholes
Wood	17.09	uh I think that's fine
Frank	17.40	No no don't go into

6 December 1989

Senator Jan Faiks, Chairman
Alaska Legislative Task Force
on Guiding and Game
3111 C Street, Suite 525
Anchorage, Ak. 99503

Dear Senator Faiks:

This letter is concerning my interest in the guide industry and concerns and viewpoints of the 17 November 1989 workdraft and also of the guide-outfitter resource area allocation program.

I've been conducting hunts for other registered guides since 1979 while at the same time, following the rules and regulations of the old guide law. I made a big commitment at that time to give up other livelihood opportunities to try and meet the past-use criteria of the old guide law by guiding every spring and fall as much as seasons allowed. I resent the fact that I'm being referred to as (small time) or (fly-by-night) guide. Although only 50% of my annual income comes from guiding, its the maximum amount that I've been able to make from guiding. Just because someone, (on his own decision) has a lodge or bought improvements to operate his hunting business, should not mean that he or she should have any more points in an award criteria basis than a guide who has equal or more investment in time. I could also, establish a large financial investment due to the work I've had to pass up in order to establish a high past-use record under the old system and yes, (on my own decision). There are a lot of guides that have recently bought improvements in units 8 - 9 but do not have near the past-use experience there that I do. The state, or the resource, should not be responsible for feeding the hugh lodges that have been built around this state. In essence, if the transfer of a guide area permit is allowed by the permit holder it is forcing a person to buy his or her improvements to operate a guide-outfitter business. I do not agree with this kind of transfer.

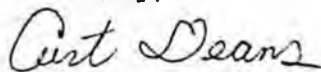
Under Sec. 08.54.620 subsection (d) on pg. 4 line seven of the work draft, I would like to see the language amended to read, (d) A guide-outfitter may not contract or conduct a guide-outfitted hunt. This was a loophole in the previous guide law that allowed a guide with an area to simply sign the contracts when in actuality they were another guides clients. The area holder could show minimum use while at the same time lease the area out.

I disagree with the class A,B,C permits and would much rather see a more simplified allocation program that would include the same time period for all applicants.

While I do realize the scope of your purpose, I think there needs to be a closer look at other commercial users such as air taxies, because they are in a direct way responsible for the harvest of a resource.

I commend you all for the work that has been done to date and hope that my interest will be taken into consideration as they are as important as a guides financial investments.

Sincerely,


Curt Deans, Reg. Guide

Enc: All Task Force Members
Bill Horn
Senate Resources

FEB 1 1990

Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523

JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

January 31, 1990

MEMORANDUM:

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senator Jan Faiks, Chairman
Legislative Task Force on Guiding and Game

SUBJECT: Scheduling of SB 422, Relating to Guide-Outfitter
Use Area Permits

SB 422 has been referred to the Senate Resources Committee for its consideration. I would appreciate your scheduling the legislation to come before your committee at your earliest possible convenience.

The measure is the result of the work done by the task force in its effort to satisfy the legislative directive to formulate a recommendation for a new guide-outfitter industry management system. This followed the 1988 Alaska Supreme Court decision in Owsichek v. Alaska which found the previous exclusive guide area system unconstitutional.

As you know, the task force was asked to develop a plan which would stress conservation and management of the resource, provide broad access as guaranteed under the Alaska constitution and have statewide applicability to help ensure a more standardized management system. The directive included several other elements including access rights which must be of limited duration and it must ensure a viable industry while the state must receive compensation for the commercial use of the resources. The recommendation was to follow the essential elements of the Owsichek decision so as to withstand a constitutional challenge.

The legislation was drafted following a series of task force meetings. More than 500 people attended the meetings with approximately 100 people offering testimony. Concerns and recommendations were also provided by major landowners including state and federal agencies and native organizations. While the 15 member panel considered all concepts which were

OUT OF SESSION

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

proposed, no comprehensive solutions were presented during public testimony which they felt could meet their objectives.

The task force believes that an area-based system for guide-outfitting is necessary for managing the commercial use of the wildlife resource to prevent damage from overharvest of certain species or certain areas of the state and to stabilize the industry. Access to the areas as designated by the Alaska Department of Fish and Game would be of limited duration and dependent upon wildlife management considerations.

Offerings to the guide-outfitter areas would begin on a staggered basis to ensure continued future access to the designated areas. All areas of the state would be offered to applicants during the first five years of the program. Those areas left unawarded would be available on a one-year permit basis to those certified to guide-outfit in the game management unit.

The terms of the guide-outfitter use area permits may be established by the Big Game Commercial Services Board to a maximum of 10 years. The Board may provide permits of up to 15 years following consultation with the Alaska Department of Fish and Game (ADF&G) if the additional length of time would improve resource management objectives. The use permits may provide limits in the number of clients and species to be hunted. The Board must also consider ADF&G's recommendations regarding sole or joint use for each area. Permits can be revoked or suspended for cause.

Use areas may be transferred by the Board for good cause but only within the issued term of the permit. No property right accrues to the permittee with the issuance of the use area permit so the permits may not be sold. The sale of improvements or facilities should be based on replacement value and are subject to review and approval of the board.

The task force also recommends that the Alaska Department of Commerce and Economic Development charge guide-outfitters and transporters a wildlife conservation fee of \$25 for each big game animal taken by resident or non-resident clients except that deer will be \$5 per animal taken.

Transporters who advertise big game hunting services will be required to obtain a commercial use permit in addition to the transporter's license.

Legal Services is currently working on a sectional analysis of SB 422.



Alaska State Legislature

Please enter into the record my testimony to the Resources / Joint
 committee name
 committee on SB422, dated 2/12/90
 bill/subject

Delete ANY REFERENCE AS TO HISTORY OF
 USE FOR AREA QUALIFICATIONS DUE TO
 THE PROBLEMS CREATED BY UNLAWFUL
 PERMITS UNDER THE OLD GUIDE SYSTEM.
 ALSO TRY AND GET ~~THE~~ RID OF ANY REFERENCE
 TO ASSIGNMENT WITH THE SALE OF PROPERTY.
 SALE OF PRIVATE PROPERTY SHOULD HAVE NO
 BEARING ON THE USE OF PUBLIC LANDS
 AND ANIMALS.
 MAKE THE ONLY QUALIFICATION FOR
 A GUIDE AREA A STATE LICENSE.
 LIMIT GUIDES TO ONE AREA.

Signed: Vern Porter
 Testifier

Representing (Optional)
Box 4478 Soldotna 99669
 Address
262-3224
 Phone No.

FISCAL NOTE

REQUEST:

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	85.3	85.3	85.3	85.3	85.3	85.3
TRAVEL	26.4	26.4	26.4	26.4	26.4	26.4
CONTRACTUAL	8.0	8.0	8.0	8.0	8.0	8.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	17.6	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, C.AIMS						
MISCELLANEOUS						
TOTAL OPERATING	139.3	121.7	121.7	121.7	121.7	121.7

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	32.2	32.2	32.2	32.2	32.2	32.2
---------	------	------	------	------	------	------

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

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

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

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

Distribution (by preparer):

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

**CONTINUATION OF FISCAL NOTE
FOR SB 422**

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

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

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

Travel:

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

\$ 16.4

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

10.0

Sub-Total: \$ 26.4

Contractual Services:

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

\$ 8.0

Supplies:

Provides for daily operating desk top supplies for the two positions. \$ 2.0

Equipment: (One time expense)

2 - Strata III telephone units and lines	\$1.2	
2 - Wang DP/WP Workstations	4.4	
2 - Desks, double pedestal	1.6	
2 - Chairs, swivel with arms	.8	
2 - Chairs, side without arms	.5	
2 - Typewriters	1.4	
2 - File Cabinets, 5-drawer, legal with lock	1.2	
2 - Workstations (modular furniture)	<u>6.5</u>	
	Sub-Total:	\$ 17.6
	GRAND TOTAL	<u>\$139.3</u>

Revenues

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

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

A M E N D M E N T

BY RANDALL BURNS

TO: W.O. 6-1718A (dated 1/11/90)

Page 8, lines 16 - 29:

Delete all material.

Insert the following new subsections to read:

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

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

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

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

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

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

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

(d) A use area permit is suspended automatically if the permittee fails to pay the wildlife conservation fee when due. The suspension remains in effect until the wildlife conservation fee is paid.

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

outfitter license.

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

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

Reletter the following subsections accordingly.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

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

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Dept. of Commerce and Economic Dev. Div. of Occupational Licensing Dept. of Public Safety Div. of Fish and Wildlife Protection	CONSTITUENT GROUPS AFFECTED BY BILL Licensed big game guide/outfitters Transporters Providers of other big game commercial services
ORGANIZATIONAL SUPPORT FOR BILL Alaska Professional Hunters Association USF&WS, USFS, and USNPS U.S. Bureau of Land Management	ORGANIZATIONAL OPPOSITION TO BILL Some guide/outfitters and transporters

FISCAL IMPACT. NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

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

Continued on Page 2

ANALYSIS OF BILL PROGRAM EFFECTS

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

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

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Legislative Intent Continued:

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

FISCAL NOTE

REQUEST:

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	67.5	71.7	36.9	36.9	20.1	20.1
TRAVEL	3.0	3.0	1.0	1.0	1.0	1.0
CONTRACTUAL	.5	7.5	1.0	1.0	1.0	1.0
SUPPLIES	1.0	1.5	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	72.0	83.7	39.9	39.9	23.1	23.1
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) No FY 90 impact.
 The FY 91 and FY 92 expenditures reflect the development of a computerized mapping and information management system for processing use area data needed in the administration of the guide/outfitter industry.
Continued on Page 2

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

Approved by Commissioner: *W. Lewis Pamplin, Jr.* Date: 2/12/90
 Agency: Fish and Game

Distribution (by preparer):

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

Expenditures in FY 93 and FY 94 reflect the role that the division plays in providing the Big Game Commercial Services Board with wildlife resource information required to determine the number of guide/outfitters authorizations in each use area and used in the award process. FY 95 and FY 96 reflect the continuing support role of the division to the Board.

	FY 91 Mos. Cost	FY 92 Mos. Cost	FY 93 Mos. Cost	FY 94 Mos. Cost	FY 95 Mos. Cost	FY 96 Mos. Cost
LINE 100 *						
WB III @ \$4.5/mo	11 49.5				3 14.1	3 14.1
@ \$4.7/mo		12 56.4	6 28.2	6 28.2		
AP II @ \$3.3/mo	3 9.9	3 9.9	1 3.3	1 3.3	1 3.3	1 3.3
DPC II @ \$2.7/mo	3 8.1	2 5.4	2 5.4	2 5.4	1 2.7	1 2.7
SUB TOTAL	67.5	71.7	36.9	36.9	20.1	20.1
LINE 200 TRAVEL	3.0	3.0	1.0	1.0	1.0	1.0
LINE 300 CONTRACTUAL SERVICES	.5	7.5	1.0	1.0	1.0	1.0
LINE 400 SUPPLIES	1.0	1.5	1.0	1.0	1.0	1.0
LINE 500 EQUIPMENT	0	0	0	0	0	0
TOTAL	72.0	83.7	39.9	39.9	23.1	23.1

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

The reduced line 100 costs in FY 95 and FY 96 reflect the fact that by FY 95, the Big Game Commercial Services Board will have already awarded the majority of use areas, and we will begin to assume a "maintenance" role with regard to the system.

* These positions are existing PCNs.

Joe Miguel
4456 Mt. Side
Juneau
907-6351

6-1718A
Utermohle
1/23/90

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permits,
7 the Big Game Commercial Services Board, and guide-
8 outfitters, transporters, and providers of other big
9 game commercial services."

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

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

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

This is currently happening in S.E. with Br. Bears getting 5 million each year.

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

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

18 guide-outfitters, led to conflicts among guide-outfitters, and de-
19 creased the quality of the hunting experience for clients of guide-
20 outfitters and other hunters;

This is just what we need! Non guided hunts provide us with quality hunting experience

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

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

if pressure is so intense, then residents should be given first opportunities! when game becomes limited are the residents going to be cast out to enhance the guides? I believe so! the overharvest of game is being done by the guides - look at the statistics of br. bear taken in S.E. during 1989. Close to 80% were taken by guides!

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

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

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

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

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

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

26 AS 08.54 is amended by adding new sections to read:

27 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

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

*It already
 has with the
 additions of
 guides to the
 list of
 hunters
 in the
 statute*

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

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

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

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

16 *What's
No what
does
stagger
mean?* Sec. 08.54.620. OFFERINGS OF GUIDE-OUTFITTER USE AREAS. (a)

17 The board shall annually offer available use areas to qualified guide-
 18 outfitters. The board shall stagger the offering of use areas.

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

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

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

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

(3) requirements for economically viable guide-outfitter

1 operations;

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

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

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

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

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

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

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

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

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

If no one selects Berners it is open to all guides



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

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

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

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

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

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

1 outfitter use area permit under AS 08.01.065.

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

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

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

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

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

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

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

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

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

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

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

6 *How does this work with p. 5 line 24?* (c) → If the board determines that more applicants are qualified
7 to receive a use area permit for a use area than there are use area
8 permits available, then the board shall reevaluate the applications of
9 the qualified applicants and, with or without requesting additional
10 documentation, shall select the best qualified applicants to receive
11 the available permits. The board may request the qualified applicants
12 to appear before the board to discuss the applicant's application in
13 regard to the criteria in (b) of this section.

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

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

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

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

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

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

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

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

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

*This is
bullshit
about
new
blood?
should be
5 or 10 years
give others
equal opportunity*

*I love
blackmail*

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

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

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

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

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

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

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

22 (2) not for consideration to the former permittee *unless no*
other applications are submitted for it;

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

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

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

this also is necessary

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

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

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

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

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

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

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

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

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

1 use area by one use area permittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 plans, if appropriate; and

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

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

6 *this is an add-on to all resident hunters who utilize the services of a transporter.*
7 Sec. 08.54.480. WILDLIFE CONSERVATION FEE. (a) Each guide-
8 outfitter licensed under AS 08.54.350 and transporter shall pay annu-
9 ally a wildlife conservation fee.

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

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

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

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

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

What does this mean?
↓

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

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

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

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

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

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

28 (c) The department shall publish a public notice that it is accepting

public comment for identification of areas as proposed guide-outfitter use
*This is great
Why wasn't this done
to not. by public of task
since meetings as
agendas -13-
what happened
to public when
goats were
added to
guides
list
are just
learning
this much*

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

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

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

8 (2) wildlife law enforcement concerns;

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

10 (4) land ownership in the area;

11 (5) administrative restrictions;

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

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

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

18 (9) existing facilities within the area; and

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

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

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

3 (g) In this section

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

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

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

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

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

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

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

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

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

7 * Sec. 12. AS 08.54.310(b)(1) is repealed.
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Original sponsor(s): Rules Committee by request

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 422 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

1 the rural regions of the state;

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

6 (5) a resource-based management system for allocating access
7 big game hunting opportunities among guide-outfitters will alleviate con-
8 flicts among guide-outfitters, will provide an effective basis for regula-
9 ting 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
13 mutually beneficial relationship between wildlife and the users of wildli-
14 because the user understands that the user's own future well-being
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
18 big game hunting opportunities among guide-outfitters that is fully con-
19 sistent with common use principles of the Constitution of the State
20 Alaska; and

21 (2) support the conservation and management of the state
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
6 subsistence and resident sport hunters to take game in the state.

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

ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

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

CORRECTION

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1 the rural regions of the state;

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

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

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

28 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 area;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 use area by one use area permittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 units.

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

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

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

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

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

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

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

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

17 (C) field preparation of trophies;

18 (D) care of game meat;

19 (E) use of guide-outfitting gear;

20 (F) firearm safety;

21 (G) practical first aid; and

22 (H) booking and contracting hunts;

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

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

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

(A2)

1 commercial use permit [FEE].

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

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

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

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

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

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

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

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

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

16 (2) pays the license fee;

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

18 (4) provides proof of

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

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

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

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

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

1 submit with the application for renewal

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

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

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

8 (4) proof of

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

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

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

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

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

1 (a) A person who is licensed under this chapter as a guide-
2 outfitter, marine mammal guide-outfitter, or transporter shall obtain
3 an annual commercial use permit. The [AND PAY AN] annual commercial
4 use permit fee shall be paid as set out in this section. (A2)

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

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

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

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

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

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

23 (c) A guide-outfitter, marine mammal guide-outfitter, and trans-
24 porter shall pay the commercial use permit fee at the time of applica-
25 tion for [ISSUANCE OR] renewal of a guide-outfitter license, marine
26 mammal guide-outfitter license, or transporter license. If the guide-
27 outfitter, marine mammal guide-outfitter, or transporter does not
28 apply for renewal of the guide-outfitter license, marine mammal guide-
29 outfitter license, or transporter license, the commercial use permit (A2)

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

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

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

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

11 WA: SEC:6 Sec. 08.54.560. REPORTS RELATING TO CARRIAGE OF BIG GAME HUNT-
12 ERS. (a) A person who is subject to AS 42.30.200 shall submit to the
13 department by January 31 of each year an activity report relating to
14 the carriage ^{* norm, in the field} during the previous year of big game hunters, their
15 equipment, and big game animals harvested by hunters. The report
16 shall be made on a form provided by the department and must contain
17 information required by the board by regulation.

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

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

21 WA: SEC:6 (13) "transportation services" means carriage of, or adver-
22 tising to carry for compensation, big game hunters, their equipment,
23 or big game animals harvested by hunters to, from, or in the field;
24 "transportation services" does not include the carriage by aircraft of
25 big game hunters, their equipment, or big game animals harvested by
26 hunters

27 (A) on nonstop flights between state, ~~municipally~~ or
28 federally maintained airports ^{* and who does} and float plane docks; or
29 ~~not advertise~~

(A9) (B) by an air taxi operator or air carrier who does

1 not charge more than the usual tariff or charter rate for [WHICH]
2 the carriage of big game hunters, their equipment, or big game
3 animals harvested by hunters [IS ONLY AN INCIDENTAL, AS DEFINED
4 BY THE BOARD, PORTION OF ITS BUSINESS]^h **and who does not advertise.*

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

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

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

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

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

28 (1) wildlife management concerns, including abundance and diver-
29 sity of wildlife, historical harvest of wildlife from the area, and

1 existing administrative boundaries established for wildlife management
2 purposes;

3 (2) wildlife law enforcement concerns;

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

5 (4) land ownership in the area;

6 (5) administrative restrictions;

7 (6) existence of boundaries that can be readily identified in
8 the field;

9 (7) accessibility of the area and other transportation consid-
10 erations;

11 (8) existence of complementary and noncomplementary land uses
12 within the area;

13 (9) existing facilities within the area; and

14 (10) other considerations relevant to the purposes of this sec-
15 tion.

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

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

27 (g) In this section

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

29 (2) "public" includes a natural person, corporation,

1 association, organization, society, company, partnership, or state, fed-
2 eral, or local government agency.

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

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

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

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

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

27 *At* * Sec. 20. The operation of AS 08.54.440 is suspended until January 1,
28 1991.

29 * Sec. 21. TRANSITION: COMMERCIAL USE PERMIT FEE FOR 1991 AND
CSSB 422(Res)

1 SUBSEQUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act,
2 AS 08.54.360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as
3 amended by sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of
4 this Act, AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.-
5 470(a), as amended by sec. 11 of this Act, AS 08.54.470(b), as amended by
6 sec. 12 of this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act
7 apply to initial applications for and renewals of guide-outfitter licenses,
8 marine mammal guide-outfitter licenses, and transporter licenses for 1991
9 and subsequent years and to payment of commercial use permit fees for 1991
10 and subsequent years. Applicants for guide-outfitter licenses, marine
11 mammal guide-outfitter licenses, and transporter licenses for 1990 or for
12 renewal of these licenses for 1990 shall pay the commercial use permit fee
13 in accordance with AS 08.54 as it existed on the day before the effective
14 date of this section.

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

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

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

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

6-1718M
Utermohle
4/26/90

Original sponsor(s): Rules Committee by Request

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 422 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

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

18 (b) The purpose of this Act is to

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

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

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

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

1 decision, the board shall consider for each use area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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