

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6523 SENATE RESOURCES

927

1 use area permit.

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

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

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

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

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

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

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

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

1 federal fish and game and guide-outfitting statutes and regulations;

2 (5) the applicant's

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

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

11 (6) the applicant's history of compliance with AS 08.54.-
12 520(a) in regard to prior authorization to enter or remain on state,
13 federal, or private land;

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

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

21 (c) In balancing the criteria under (b)(5)(A) and (B) of this
22 section, the board shall give appropriate weight to each criterion to
23 ensure fair consideration of all applicants.

24 (d) The board shall award a use area permit only to a qualified
25 applicant. If the board determines that more applicants are qualified
26 to receive a use area permit for a use area than there are use area
27 permits available, then the board shall rank all applicants for the
28 use area permit and shall select the best qualified applicants to
29 receive the available permits. The best qualified applicants are

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 use area by one use area permittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 appropriate.

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

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

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

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

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

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

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

1 class B misdemeanor.

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

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

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

28 (10) Nonresident hunting and sport fishing license96

29 A nonresident may not take a big game animal, including mountain goat,

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

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

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

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

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

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

1 considerations:

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

5 (2) wildlife law enforcement concerns;

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

7 (4) land ownership in the area;

8 (5) administrative restrictions;

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

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

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

15 (9) existing facilities within the area; and

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

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

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

29 (g) In this section

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

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

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

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

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

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

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

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

1 1991.

2 * Sec. 15. TRANSITION; AIR CARRIER ADVERTISING. Air taxi operators or
3 air carriers who, but for the fact that they solicit big game hunters as
4 customers for the purpose of providing air transportation to, from, or in
5 the field through the use of publicity brochures or other printed material,
6 would not have to obtain a transporter license after the effective date of
7 sec. 9 of this Act, may continue to use existing stocks of publicity bro-
8 chures and other printed materials that solicit big game hunters as cus-
9 tomers of the air taxi operator or air carrier without having to obtain a
10 transporter license if

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

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

17 * Sec. 16. NONSEVERABILITY OF AS 08.54.610 - 08.54.655. Notwithstand-
18 ing AS 01.10.030, if a provision of AS 08.54.610 - 08.54.655, enacted by
19 sec. 2 of this Act, is held invalid by the final order, judgment, or
20 decision of a court of competent jurisdiction, then that provision is not
21 severable from other provisions of AS 08.54.610 - 08.54.690 and all
22 provisions of AS 08.54.610 - 08.54.690 are invalid.

23 * Sec. 17. Section 14 of this Act is retroactive to May 12, 1989.

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

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

Big Game Guiding

Dear Sen. Fahrenkamp -

I know you've put a lot of time into this issue and I'm sure you share our concern. It appears the deck is stacked against the guides, with Tameoni's powers being controlled by anti-hunters.

Please help our industry in this critical issue. Guides are more concerned about our resources as our lives depend on them. Without guides (and non-res. hunters) our ADFG would be broke. Guiding is one of Alaska's oldest and proudest professions. Please help keep it that way.

Sincerely,
Brend Gaudette

ESTABLISHED IN 1907

Your Hosts: Bernd and Patricia

Setting the Sportsman's Standard

Telephone: (907) 429-6384

P.O. Box 80424 Fairbanks, Alaska 99708

Registered Guide and Hunter

BERND GARDER

ALATNA GUIDE SERVICE



INIAKUK LODGE — *Finest in the Brooks Range*



Alaska State Legislature
LEGISLATIVE RESEARCH AGENCY

P.O. Box Y, Juneau, Alaska 99811-3100
907-465-3991 Fax 907-463-3351

TO: Nancy

DATE:

Feb. 22, 1990

FROM: Glenn

In addition to resident-nonresident differences outlined in Bruce Dinnelard's memo, I found the following:

- some areas may be open to hunting by residents and closed to nonresidents
- differences in bag limits
- Brown bear hunt in Unit 8
 - o Nonresidents hunt by registration permit, residents hunt by drawing permit.
 - o Nonresidents may be placed in drawing permit if accompanied by a resident relative with the second degree of kindred.

5 AAC 85.020 ALASKA ADMINISTRATIVE CODE 5 AAC 85.020

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
(1)		
Unit 1		
1 bear by registration permit only	Sept. 15 — Dec. 31 Mar. 15 — May 31	Sept. 15 — Dec. 31 Mar. 15 — May 31
(2)		
Units 2 and 3	No open season	
(3)		
Unit 4, Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136° 21' W. long.), to Rodgers Point (57° 35' N. lat., 135° 33' W. long.), including Yakobi and other adjacent islands, Baranof Island south and west of a line which follows the crest of the island from Niement Point (57° 34' N. lat., 135° 25' W. long.), to the entrance of Gut Bay (56° 44' N. lat., 134° 38' W. long.), including the drainages into Gut Bay and including Kruzof and other adjacent islands	Sept. 15 — Dec. 31 Mar. 15 — May 31	Sept. 15 — Dec. 31 Mar. 15 — May 31
1 bear by registration permit only		
Unit 4, that portion in the Northeast Chichagof Controlled Use Area		
1 bear by registration permit only	Mar. 15 — May 20	Mar. 15 — May 20
Remainder of Unit 4		
1 bear by registration permit only	Sept. 15 — Dec. 31 Mar. 15 — May 20	Sept. 15 — Dec. 31 Mar. 15 — May 20
(4)		
Unit 5		
1 bear	Sept. 1 — May 31	Sept. 1 — May 31
(5)		
Unit 6		
1 bear		Sept. 1 — May 31
(6)		
Units 7 and 15		
1 bear		Sept. 15 — Oct. 15 May 10 — May 25

5 AAC 85.020 FISH AND GAME 5 AAC 85.020

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
(7)		
Unit 8, that portion of Kodiak Island east of a line from the mouth of Sallery Creek to Crag Point, and Spruce Island		Oct. 25 — Nov. 30 Apr. 1 — May 15
1 bear by registration permit only		
Remainder of Unit 8		
1 bear by permit only. Residents, and nonresidents accompanied by a resident within the second degree of kindred, may take bear by drawing permit only; nonresidents guided by a registered, master, or Class A assistant guide may take bear by registration permit only		Apr. 1 — May 15 Oct. 25 — Nov. 30
(8)		
Unit 9(A)		
1 bear		Oct. 1 — Oct. 21 (odd years only) May 10 — May 25 (even years only)
Unit 9(B) and 9(E)		
1 bear	Oct. 1 — Oct. 21 (odd years only) May 10 — May 25 (even years only)	
Unit 9(C), Naknek River drainage		Sept. 1 — Oct. 31
1 bear by registration permit only		May 1 — June 30
Unit 9(D), south and west of a line from Moffett Point to the eastern side of the eastern entrance of Kinzarof Lagoon, and north of a line from the base of Cape Glinzenap to Frosty Peak to the mouth of Old Man's Lagoon		Oct. 1 — Oct. 21
1 bear by registration permit only; the season will be closed by Emergency Order when the allowable harvest is reached		May 10 — May 25

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
Remainder of Unit 9(C) and remainder of Unit 9(D)		
1 bear		Oct. 1 — Oct. 21 (odd years only) May 10 — May 25 (even years only)
(9)		
Unit 10 (Unimak Island only)		Oct. 1 — Oct. 21 May 10 — May 25
1 bear by drawing permit only; up to 15 permits will be issued		
(10)		
Unit 11		Sept. 1 — Oct. 31
1 bear		Apr. 25 — May 31
(11)		
Unit 12, that portion north of the crest of the Mentasta Mountains and west of the Nabesna River		Sept. 1 — June 30
1 bear		
Remainder of Unit 12		Sept. 1 — June 10
1 bear		
(12)		
Unit 13		Sept. 1 — May 31
1 bear		
(13)		
Units 14(A) and 14(C)		Sept. 1 — Oct. 10
1 bear		
Unit 14(B)		Sept. 1 — Oct. 31 May 10 — May 25
1 bear		
(14)		
Unit 16		Sept. 1 — May 25
1 bear		
(15)		
Units 17(A) and 17(C)	Sept. 10 — Oct. 10	Sept. 10 — Oct. 10
1 bear	April 10 — May 25	May 10 — May 25
Unit 17(B)	Sept. 20 — Oct. 10	Sept. 20 — Oct. 10
1 bear	May 10 — May 25	May 10 — May 25

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
(16)		
Unit 18	Sept. 10 — Oct. 10	Sept. 10 — Oct. 10
SUBSISTENCE HUNTERS: Residents domiciled in Kwethluk: 1 bear (see 5 AAC 92.132(a))	Apr. 10 — May 25	May 10 — May 25
ALL OTHER HUNTERS: 1 bear		
(17)		
Unit 19(A), 19(D), and 21(A)		
1 bear	Sept. 1 — Oct. 10 May 10 — May 25	Sept. 1 — Oct. 10 May 10 — May 25
Unit 19(B)		Sept. 10 — Oct. 10
1 bear		May 10 — May 25
Unit 19(C)		Sept. 1 — Oct. 10
1 bear		May 10 — May 25
(18)		
Unit 20 except 20(E)	Sept. 1 — May 30	Sept. 1 — Nov. 30
1 bear	Apr. 1 — May 31	Apr. 1 — May 31
Unit 20(E)		Aug. 10 — June 30
1 bear		
(19)		
Unit 21(B), 21(C), 21(D), and 21(E)		
1 bear	Sept. 1 — Dec. 31 Apr. 1 — May 25	Sept. 1 — Dec. 31 Apr. 1 — May 25
(20)		
Unit 22(A)	Sept. 1 — Oct. 31	Sept. 1 — Oct. 31
1 bear	Apr. 15 — May 25	Apr. 15 — May 25
Unit 22(C)		
SUBSISTENCE AND RESIDENT HUNTERS: 1 bear	Sept. 1 — Oct. 31 May 10 — May 25	Sept. 1 — Oct. 31 May 10 — May 25
NONRESIDENT HUNTERS: 1 bear by drawing permit only; 20 permits will be issued for this hunt in combination with remainder of Unit 22		Sept. 1 — Oct. 31 May 10 — May 25
Remainder of Unit 22		

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
SUBSISTENCE AND RESIDENT HUNTERS: 1 bear	Sept. 1 — Oct. 31 Apr. 15 — May 25	Sept. 1 — Oct. 31 Apr. 15 — May 25
NONRESIDENT HUNTERS: 1 bear by drawing permit only; 20 permits will be issued for this hunt in combination with the hunt in Unit 22(C)		Sept. 1 — Oct. 31 Apr. 15 — May 25
(21)		
Unit 21		
SUBSISTENCE AND RESIDENT HUNTERS: 1 bear	Sept. 1 — Oct. 10 Apr. 15 — May 25	Sept. 1 — Oct. 10 Apr. 15 — May 25
NONRESIDENT HUNTERS: 1 bear by drawing permit only; 25 permits will be issued.		Sept. 1 — Oct. 10 Apr. 15 — May 25
(22)		
Unit 24, that portion of the Koyukuk River drainage upstream from, and including, the Alutna River drainage		
SUBSISTENCE HUNTERS: Residents of Anaktuvuk Pass: 1 bear	Sept. 1 — Oct. 31 Apr. 1 — May 31	
ALL OTHER HUNTERS: 1 bear by registration permit; 15 bears may be taken	Sept. 1 — Oct. 31 May 10 — May 31	Sept. 1 — Oct. 31 May 10 — May 31
Remainder of Unit 24	Sept. 1 — Dec. 31	Sept. 1 — Dec. 31
1 bear	May 10 — May 25	May 10 — May 25
(23)		
Unit 25(A) within the Holana River drainage, Unit 25(B) and Unit 25(D)		Sept. 1 — Oct. 10 May 10 — May 25
1 bear		
Unit 25(A), Shestegak, Coleen, and Porcupine River drainages		
RESIDENT HUNTERS: 1 bear		Sept. 1 — Oct. 31 May 10 — May 31
NONRESIDENT HUNTERS: 1 bear by drawing permit only; 9 permits will be issued.		Sept. 1 — Oct. 31 May 10 — May 31

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
Unit 25(A), East Fork Chandalar River and Christian River drainages		
RESIDENT HUNTERS: 1 bear		Sept. 1 — Oct. 31 May 10 — May 31
NONRESIDENT HUNTERS: 1 bear by drawing permit only; 9 permits will be issued		Sept. 1 — Oct. 31 May 10 — May 31
Unit 25(A), the Chandalar River drainage excluding the East Fork Chandalar River drainage		
RESIDENT HUNTERS: 1 bear		Sept. 1 — Oct. 31 May 10 — May 31
NONRESIDENT HUNTERS: 1 bear by drawing permit only; 9 permits will be issued		Sept. 1 — Oct. 31 May 10 — May 31
(24)		
Unit 26(A), east of 159° W. long.		
SUBSISTENCE HUNTERS: Residents of Anaktuvuk Pass: 1 bear	Sept. 1 — Oct. 31 Apr. 1 — May 31	
OTHER SUBSISTENCE HUNTERS AND RESIDENTS: 1 bear	Sept. 1 — Oct. 31 May 10 — May 31	Sept. 1 — Oct. 31 May 10 — May 31
NONRESIDENT HUNTERS: 1 bear by drawing permit only; 22 permits will be issued		Sept. 1 — Oct. 31 May 10 — May 31
Unit 26(A), west of 159° W. long.		
SUBSISTENCE AND RESIDENT HUNTERS: 1 bear	Sept. 1 — Oct. 31 May 10 — May 31	Sept. 1 — Oct. 31 May 10 — May 31
NONRESIDENT HUNTERS: 1 bear by drawing permit only; 22 permits will be issued		Sept. 1 — Oct. 31 May 10 — May 31
Unit 26(B)		
SUBSISTENCE AND RESIDENT HUNTERS: 1 bear	Sept. 1 — Oct. 31 May 10 — May 31	Sept. 1 — Oct. 31 May 10 — May 31
NONRESIDENT HUNTERS: 1 bear by drawing		Sept. 1 — Oct. 31 May 10 — May 31

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
permit only; 10 permits will be issued		
Unit 26(C)		
SUBSISTENCE AND RESIDENT HUNTERS: 1 bear	Sept. 1 — Oct. 31 May 10 — May 31	Sept. 1 — Oct. 31 May 10 — May 31
NONRESIDENT HUNTERS: 1 bear by drawing permit only; 5 permits will be issued		Sept. 1 — Oct. 31 May 10 — May 31

(Eff. 8-20-89, Register 111)

Authority: AS 16.05.255
AS 16.05.258

5 AAC 85.025. HUNTING SEASONS AND BAG LIMITS FOR CARIBOU. Hunting seasons and bag limits for caribou are as follows:

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
(1)		
Unit 7 north of the Sterling Highway and west of the Seward Highway.		Aug. 10 — Sept. 30
1 caribou by drawing permit only; up to 250 permits will be issued		
Remainder of Unit 7	No open season.	
(2)		
Unit 8	No closed season.	
No limit		
(3)		
Units 9(A), 9(B), 9(C), 9(E), 17(B), and that portion of 17(C) east of the Nushagak River		
SUBSISTENCE HUNTERS: 4 caribou; however, no more than 2 caribou may be taken Aug. 10 — Aug. 31 and no more than 1 caribou may be taken Sept. 1 — Nov. 30	Aug. 10 — Mar. 31	
RESIDENT HUNTERS: 4 caribou; however, no more		Aug. 10 — Mar. 31

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
than 1 caribou may be taken Aug. 10 — Nov. 30		
NONRESIDENT HUNTERS: 1 caribou		Aug. 10 — Mar. 31
(4)		
Unit 9(D) and Unit 10, Unimak Island only		
SUBSISTENCE HUNTERS: 2 caribou	Sept. 1 — Mar. 31	
RESIDENT AND NONRESIDENT HUNTERS: 1 caribou		Sept. 1 — Oct. 31
(5)		
Unit 10, Adak Island only	Sept. 1 — Mar. 31	Sept. 1 — Mar. 31
2 caribou by registration permit only		
Unit 10, Unmak Island only	No open season.	
Remainder of Unit 10	No closed season.	
(6)		
Unit 11		
SUBSISTENCE HUNTERS: 1 caribou, by registration permit only	Aug. 10 — Sept. 30	
RESIDENT HUNTERS: 1 caribou by drawing permit only; up to 300 permits will be issued		Aug. 10 — Sept. 30
NONRESIDENT HUNTERS:		No open season.
(7)		
Unit 12, residents of Tetlin and Northway only:		
1 caribou by registration permit only		
Season will be opened by Emergency Order when Nelchina caribou are present and Mentastu caribou are absent; season will be closed by emergency order after 60 Nelchina caribou have been taken		
Units 12 and 20(D) north of the Alaska Highway		

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
SUBSISTENCE HUNTERS 1 caribou	Aug 10 - Sept 30 Dec 1 - Feb 28	
RESIDENT AND NONRESIDENT HUNTERS 1 bull		Aug 10 - Sept 20
Remainder of Unit 12 1 bull	Sept. 1 - Sept. 20	Sept. 1 - Sept. 20
(8)		
Units 13 and 14(B)		
SUBSISTENCE HUNTERS: 1 caribou by registration permit only. Season will be closed when 750 caribou have been taken; up to 1/2 of this quota may be taken in the fall season. During the Jan. 1 - Feb. 28 season, caribou may be taken in Unit 13 except for Unit 13(B) and except for that portion of Unit 13(A) within one-half mile of the Alaska Pipeline	Aug 10 - Sept. 20 Jan. 1 - Feb. 28	
RESIDENT HUNTERS: 1 caribou by drawing permit only; up to 2,230 permits will be issued; season will be closed when 1,450 caribou have been taken.		Aug 10 - Sept. 20
NONRESIDENT HUNTERS:	No open season.	
(9)		
Unit 15(A), that portion within the Kenai National Wildlife Refuge		Sept. 1 - Sept. 20
1 bull by drawing permit only; up to 5 permits will be issued		
(10)		
Units 14(A) and 14(C), and remainder of Unit 15		No open season
(11)		
Unit 16 1 caribou	Aug 10 - Oct. 31	Aug 10 - Oct. 31

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
(12)		
Unit 17(A) and that portion of Unit 17(C) west of Nushagak River	No open season	
(13)		
Unit 18 south of the Yukon River	No open season	
Remainder of Unit 18 1 caribou	Feb 1 - Mar 31	Feb 1 - Mar 31
(14)		
Unit 19 Residents domiciled in Lime Village only.	Feb. 1 - Mar. 31	Feb. 1 - Mar. 31
No bag limit, but no more than 100 caribou may be taken; cows and calves may not be taken from April 1 - Aug. 9	July 1 - June 30	
Unit 19(A) north of Kuskokwim River 1 caribou	Aug 10 - Sept. 30 Nov. 1 - Feb. 28	Aug 10 - Sept. 30 Nov. 1 - Feb. 28 (Resident) Aug 10 - Sept. 30 (Nonresident)
Unit 19(A) south of the Kuskokwim River, and Unit 19(B)		
SUBSISTENCE HUNTERS (excluding residents of Lime Village): 4 caribou; however, no more than 2 caribou may be taken Aug. 10 - Aug. 31 and no more than 1 caribou may be taken Sept. 1 - Nov. 30	Aug 10 - Mar. 31	
RESIDENT HUNTERS: 4 caribou; however, no more than 1 caribou may be taken Aug. 10 - Nov. 30		Aug. 10 - Mar. 31
NONRESIDENT HUNTERS: 1 caribou		Aug 10 - Mar 31
Unit 19(C) 1 caribou	Aug. 10 - Oct. 10	Aug 10 - Oct. 10
Unit 19(D) south and east of the Kuskokwim River and North Fork of the Kuskokwim River	Aug. 10 - Sept. 30	Aug. 10 - Sept. 30

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
1 caribou	Nov. 1 — Jan. 31	(Resident) Aug. 10 — Sept. 30 (Nonresident)
Remainder of Unit 19(D) 1 caribou (15)	Aug. 10 — Sept. 30	Aug. 10 — Sept. 30
Unit 20(A) north of the Yanert Controlled Use Area, west of the Wood River Controlled Use Area, and south of the Rex Trail		Aug. 10 — Aug. 25
1 caribou by drawing permit only; 200 permits will be issued		Sept. 21 — Dec. 31
Unit 20(A) within the Yanert Controlled Use Area		Sept. 1 — Sept. 15
1 caribou; however, only bull caribou may be taken during the Sept. 1 — 15 season; the Jan. 1 — Feb. 28 season is by drawing permit only; up to 25 permits will be issued		Jan. 1 — Feb. 28
Remainder of Unit 20(A)		Sept. 1 — Sept. 15
1 bull		
Units 20(B) and 25(C)		Aug. 10 — Sept. 20
1 bull		
Unit 20(C)	No open season.	
Unit 20(D) south of the Alaska Highway		
SUBSISTENCE HUNTERS: 1 bull	Aug. 10 — Sept. 3	
RESIDENT AND NONRESIDENT HUNTERS: 1 bull by drawing permit only; 150 permits will be issued		Aug. 10 — Sept. 30
Unit 20(E), that portion drained by the Yukon River downstream from and including the Seventy-mile and Charley Rivers, the North Fork Fortymile River upstream from and including Independence Creek, the Middle Fork Fortymile River upstream from Fish Creek, and the Mosquito Fork		

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
Fortymile River upstream from and including Ketchumatuck Creek		
SUBSISTENCE HUNTERS: 1 caribou	Aug. 10 — Sept. 30 Dec. 1 — Feb. 28	Aug. 10 — Sept. 20
RESIDENT AND NONRESIDENT HUNTERS: 1 bull		
Remainder of Unit 20(E) accessible by the Taylor Highway and associated trails, as described in the permit		
SUBSISTENCE HUNTERS: 1 caribou by registration permit only; season will be closed when 325 caribou have been taken	Aug. 10 — Sept. 30 Dec. 1 — Feb. 28	
RESIDENT HUNTERS: 1 bull by drawing permit only; up to 750 permits will be issued		Aug. 10 — Sept. 20
Unit 20(F), except the Tozitna River drainage	Aug. 10 — Sept. 30	Aug. 10 — Sept. 30
1 bull		
Unit 20(F), Tozitna River drainage		
SUBSISTENCE AND RESIDENT HUNTERS: 1 caribou; only bull caribou may be taken during the Aug. 10 — Sept. 30 season; caribou of either sex may be taken during the Mar. 1 — Mar. 15 season	Aug. 10 — Sept. 30 Mar. 1 — Mar. 15	Aug. 10 — Sept. 30 Mar. 1 — Mar. 15 (Resident)
NONRESIDENT HUNTERS: 1 bull		Aug. 10 — Sept. 30 (Nonresident)
(16)		
Unit 21, except Unit 21(D) west of the Yukon and Koyukuk Rivers	Aug. 10 — Sept. 30	Aug. 10 — Sept. 30
1 caribou		
(17)		
Unit 21(D) west of the Yukon and Koyukuk Rivers, Units 22(A), 22(B), 23, and 26(A) (except the Nanushuk River drainage)		

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
only; up to 25 permits will be issued to Alaska residents only; no person may take a cow accompanied by a calf		
(12)		
Unit 14(A)		Sept. 1 — Sept. 20
1 moose; however, antlerless moose may be taken by drawing permit only; up to 400 permits will be issued		
Unit 14(B)		Sept. 1 — Sept. 30
1 bull		
Unit 14(C), that portion known as the Fort Richardson Management Area		Day after Labor Day — Oct. 31
1 moose by drawing permit with bow and arrow only; up to 80 permits for antlerless moose and up to 45 permits for bulls will be issued		Dec. 15 — Jan. 15
Unit 14(C), that portion of the Fort Richardson Management Area north of Eagle River		Day after Labor Day — Oct. 31
1 moose by drawing permit by black powder muzzle-loading rifle of 54 caliber or larger, using round ball or 390-grain or larger elongated slug; up to 35 permits will be issued		
Unit 14(C), that portion known as the Anchorage Management Area		Day after Labor Day — Nov. 30
1 moose by drawing permit by bow and arrow only; up to 30 permits will be issued; no person may take an antlered bull unless it has a spike-fork antler; this hunt will be held at the department's discretion		
Unit 14(C), the Eklutna Lake Management Area		Day after Labor Day — Sept. 30
1 moose by regular permit with bow and arrow only; up to 10 bulls		5

Units and Bag Limits	Subsistence Open Season	Resident and Non-resident Open Season
antlerless moose may be taken		
Remainder of Unit 14(C)		
RESIDENTS: 1 moose; however, antlerless moose may be taken by drawing permit only; up to 60 permits will be issued		Day after Labor Day — Sept. 30
NONRESIDENTS: 1 bull		Day after Labor Day — Sept. 30
(13)		
Unit 15(A), the Skilak Loop Wildlife Management Area		Sept. 21 — Sept. 30
1 antlerless moose by drawing permit only; up to 20 permits will be issued; the taking of calves and females accompanied by calves is prohibited		
Remainder of Unit 15(A)		Aug. 25 — Aug. 29
1 bull with a spike-fork antler or 60-inch antlers; during the Aug. 25 — Aug. 29 season, bulls may be taken by bow and arrow only		Sept. 1 — Sept. 20
Unit 15(B), that portion bounded by a line running from the mouth of Shantatalik Creek, Tustumena Lake, northward to the head of the west fork of Funny River; then downstream along the west fork of Funny River to the Kenai National Moose Range boundary; then east along the refuge boundary to its junction with the Kenai River; then eastward along the south side of the Kenai River and Skilak Lake; then south along the western side of Skilak River, Skilak Glacier and Harding Icefield; then west along the Subunit 15(B) boundary to the mouth of Shantatalik Creek		Sept. 1 — Sept. 20 Sept. 26 — Oct. 16
1 bull with 60-inch antlers by drawing permit only; up to 100 permits will be issued		

Units and Bag Limits	Substance Open Season	Resident and Non- resident Open Season
21 — Sept. 25 and Feb. 1 — Feb. 5; moose may not be taken within one-half mile of the Yukon River during the February season		
RESIDENT AND NONRESIDENT HUNTERS: 1 bull		Sept. 5 — Sept. 25
Unit 21(E) 1 bull	Sept. 5 — Sept. 25	Sept. 5 — Sept. 25
(20)		
Unit 22(A) 1 bull	Aug. 1 — Sept. 30 Dec. 1 — Dec. 31	Aug. 1 — Sept. 30 Dec. 1 — Dec. 31 (Residents only)
Unit 22(B) 1 moose; however, antlerless moose may be taken only from Dec. 1 — Dec. 31; no person may take a calf or a cow accompanied by a calf	Aug. 1 — Jan. 31	Aug. 1 — Jan. 31
Unit 22(C) 1 bull	Sept. 1 — Sept. 14	Sept. 1 — Sept. 14
Unit 22(D), drainages into the north side of Port Clarence, the north side of Grandley Harbor, and the north side of Imuruk Basin, excluding the Kuzitrin, Pilgrim and Kougarok River drainages 1 moose; however, antlerless moose may be taken only from Aug. 1 — Dec. 31; no person may take a calf or a cow accompanied by a calf; only antlered moose may be taken Jan. 1 — Jan. 31	Aug. 1 — Jan. 31	Aug. 1 — Jan. 31
Remainder of Unit 22(D) 1 moose; no person may take a calf or a cow accompanied by a calf	Aug. 1 — Dec. 31	Aug. 1 — Dec. 31
Unit 22(E) 1 moose. No person may take a calf or a cow accompanied by a calf	Aug. 1 — Mar. 31	Aug. 1 — Mar. 31
(21)		
Unit 23, that portion on Seward Peninsula west of and including the Buckland River drainage, and that portion in the Nostak River drainage	Aug. 1 — Mar. 31	Aug. 1 — Mar. 31

Units and Bag Limits	Substance Open Season	Resident and Non- resident Open Season
1 moose; however, antlerless moose may be taken only from Sept. 1 — Mar. 31; no person may take a cow accompanied by a calf		
Remainder of Unit 23 1 moose; however, antlerless moose may be taken only from Sept. 15 — Oct. 31; no person may take a cow accompanied by a calf	Aug. 1 — Dec. 31	Aug. 1 — Dec. 31
(22)		
Unit 24, that portion within the Koyukuk Controlled Use Area 1 moose; however, antlerless moose may be taken only from Sept. 21 — Sept. 25, Dec. 1 — Dec. 10, and Mar. 1 — Mar. 10	Sept. 5 — Sept. 25	Sept. 5 — Sept. 25
	Dec. 1 — Dec. 10 Mar. 1 — Mar. 10	Dec. 1 — Dec. 10 Mar. 1 — Mar. 10 (Resident)
		Sept. 5 — Sept. 25 (Nonresident)
Unit 24, that portion that includes the John River drainage upstream from but excluding the Hunt Fork drainage 1 moose	Aug. 1 — Dec. 31	No open season.
Unit 24, the Alatna River drainage upstream from and including Helpmejack Creek drainage, the John River drainage upstream from and including the Malemute Fork drainage and downstream from and including the Hunt Fork drainage, the Wild River drainage upstream from and including the Michigan Creek drainage, and the North Fork Koyukuk River drainage north of the		
Bettles/Coldfoot winter trail SUBSISTENCE AND RESIDENT HUNTERS: 1 moose; however, antlerless moose may be taken only from Sept. 21 — Sept. 25 and Mar. 1 — Mar. 10	Aug. 25 — Sept. 25 Mar. 1 — Mar. 10	Aug. 25 — Sept. 25 Mar. 1 — Mar. 10 (Residents)
NONRESIDENT HUNTERS: 1 moose; however, antlerless moose may be taken only from Sept. 21 — Sept. 25		Sept. 5 — Sept. 25 (Nonresidents)

5 AAC 92.006. RADIO TELEMETRY FREQUENCIES. Repealed 8/20/89.

Editor's notes. — Effective 8/20/89, Register 111, the substance of repealed 5 AAC 92.006 appears in 5 AAC 93.040.

5 AAC 92.007. ELIGIBILITY FOR HUNTING IN GATES OF THE ARCTIC NATIONAL PARK. For federal regulations and information concerning who is qualified to hunt in the Gates of the Arctic National Park, see 36 C.F.R. Part 13, or contact the Superintendent, Gates of the Arctic National Park, P.O. Box 74680, Fairbanks, Alaska 99707, phone 456-0281. (Eff. 8/20/89, Register 111)

Authority: AS 16.05.255

Article 2. Licenses, Harvest Tickets, Harvest Reports, Tags, and Fees

Section	Section
10. Harvest tickets and reports	16. Musk oxen tag fee
12. Licenses and tags	18. Waterfowl conservation tag
14. Brown bear tag fee exemption	19. Funeral potlatch report

5 AAC 92.010. HARVEST TICKETS AND REPORTS. (a) Deer: no person may hunt deer, except in a permit hunt, unless the person has in possession a deer harvest ticket.

(b) Moose and sheep: no person may hunt moose or sheep, except in a permit hunt, unless the person has in possession a harvest ticket for the species and a harvest report (issued with the harvest ticket).

(c) Caribou: no person may hunt caribou, except in a permit hunt, unless the person has in possession a harvest ticket and has obtained a harvest report (issued with the harvest ticket); however, persons who reside north of the Yukon River and hunt north of the Yukon River are not required to use harvest tickets or harvest reports but must register to hunt caribou in the arctic.

(d) For a permit hunt, the permit takes the place of a harvest ticket and report.

(e) After killing an animal for which a harvest ticket is required, the hunter shall remove immediately, before leaving the kill site, the day and month of the kill from the harvest ticket without removing any other day or month, and shall keep the validated harvest ticket in possession until the animal has been delivered to the location where it will be processed for consumption.

(f) The number of each harvest ticket issued to a hunter must be entered on the hunter's license. A harvest ticket issued the previous calendar year and still valid must also be entered on the hunting license.

(g) Within 15 days after taking the bag limit for a species or, if the hunter does not take the bag limit, within 15 days after the close of the season, the hunter shall complete the harvest report and mail it to the department. (Eff. 7/5/85, Register 95; am 8/8/87, Register 103; am 8/20/89, Register 111)

Authority: AS 16.05.255
AS 16.05.370

5 AAC 92.012. LICENSES AND TAGS. (a) No hunting or trapping license is required of a resident under the age of 10. An appropriate license and big game tag are required of nonresidents, regardless of age, for hunting and trapping. No person 16 years of age or older may take waterfowl unless that person has a current, validated, federal migratory bird hunting stamp or "duck stamp" in possession.

(b) Upon request from a peace officer of the state, no person may refuse to present for inspection any license or tag, any game, or any apparatus designed to be, and capable of being, used to take game.

(c) No resident may take a brown bear (except as provided in 5 AAC 92.014), or a musk ox, without possessing a numbered, nontransferable, appropriate tag, issued to that person. The person taking game shall immediately affix the tag to the animal and the person shall keep the tag affixed until the animal is prepared for storage, consumed, or exported. (Eff. 7/5/85, Register 95; am 8/20/89, Register 111)

Authority: AS 16.05.255
AS 16.05.340

5 AAC 92.014. BROWN BEAR TAG FEE EXEMPTION. No resident tag is required for taking brown (grizzly) bear in Unit 20(E). (Eff. 7/5/85, Register 95; am 8/8/87, Register 103; am 7/14/88, Register 107; am 8/20/89, Register 111)

Authority: AS 16.05.255
AS 16.05.340(a)

5 AAC 92.016. MUSK OXEN TAG FEE. The resident tag fee for hunting musk oxen on Nelson Island and Unit 26(C), or cow musk oxen on Nunivak Island, is \$25. (Eff. 7/5/85, Register 95; am 8/8/87, Register 103)

Authority: AS 16.05.255
AS 16.05.340(a)

5 AAC 92.018. WATERFOWL CONSERVATION TAG. A person required to possess an Alaska waterfowl conservation tag or

(d) No person may permanently export a raptor from Alaska unless the person has legally possessed that raptor for at least two years. A person who holds a valid Alaska falconry permit may temporarily export a raptor for a period not to exceed 12 months, and after that may import it back to Alaska, if the person first obtains written approval from the commissioner.

(e) A falconer is liable for the actions of the raptor with respect to seasons, bag limits, and other applicable regulations. (Eff. 7/5/85, Register 95)

Authority: AS 16.05.255
AS 16.05.920

5 AAC 92.039. PERMIT FOR TAKING WOLVES FROM AIRCRAFT. No person may shoot a wolf from an airplane without first obtaining a permit from the department; a permit may only be issued and conditioned as follows:

(1) a permit for taking a wolf from an airplane may only be issued consistent with 5 AAC 92.110;

(2) a permit may be issued only to a licensed pilot; if a gunner is used in addition to the pilot, one permit will be issued;

(3) a permit is valid only for a time period specified by the department, or until a specified quota of wolves is taken in a specified area;

(4) the commissioner may limit the number of permits issued in any unit and the number of wolves authorized to be taken under each permit;

(5) a permittee shall return the permit to the nearest department office within five days after the expiration of the permit, unless otherwise specified;

(6) when a permittee returns a permit to the department, the permittee shall notify the department of the date when, and location where, each wolf was taken, and shall provide other information the department may request at the time the permit is issued;

(7) the department may require a permittee to check in and out at a specified location;

(8) a wolf taken under a permit becomes the property of the permittee only if the permittee has complied with all pertinent laws and regulations and the conditions of the permit;

(9) a nonresident is ineligible for a permit. (Eff. 7/5/85, Register 95)

Authority: AS 16.05.255
AS 16.05.920

5 AAC 92.041. PERMIT TO TAKE BEAVERS TO CONTROL DAMAGE TO PROPERTY. No person may take a beaver to control

damage to property or resources outside of the seasons and bag limits established in 5 AAC 84 without first obtaining a permit from the department, issued under the following conditions:

(1) the commissioner or the commissioner's designee may limit the area, time period, method and means, and number of beavers to be taken;

(2) a permit may only be issued at a time when, and for a place where, the commissioner has determined beavers are creating significant problems and that trapping otherwise authorized in 5 AAC 84 is unlikely to alleviate the problem;

(3) a person taking a beaver under this section shall submit the skin for sealing in accordance with 5 AAC 92.170. (Eff. 7/5/85, Register 95; am 8/20/89, Register 111)

Authority: AS 16.05.255
AS 16.05.920

5 AAC 92.043. PERMIT FOR CAPTURING WILD FUR BEARERS FOR FUR FARMING. The department may issue a permit for the capture, but not export, of an indigenous fur bearer for fur farming. The department may limit the number, sex, and species of the animal to be taken, and the area from which the animal may be taken. (Eff. 7/5/85, Register 95)

Authority: AS 16.05.255 AS 16.05.920
AS 16.05.340 AS 16.05.930

5 AAC 92.045. PERMIT FOR HUNTING BLACK BEAR WITH DOGS. Repealed 8/8/87.

5 AAC 92.049. PERMITS, PERMIT PROCEDURES, AND PERMIT CONDITIONS. (a) A registration or drawing hunting permit required by this title will be issued under 5 AAC 92.050 — 5 AAC 92.052.

(b) The department shall produce an annual registration permit supplement and drawing permit supplement. For each permit hunt the supplement must set out the permit application procedures and permit conditions authorized under 5 AAC 92.050 — 5 AAC 92.052. (Eff. 8/20/89, Register 111.)

Authority: AS 16.05.255

5 AAC 92.050. REQUIRED PERMIT HUNT CONDITIONS AND PROCEDURES. (a) The following conditions and procedures for permit issuance apply to each drawing or registration permit:

5 AAC 92.053. PERMIT TO TAKE MOOSE FOR NUCHALAWOYYA POTLATCH. The taking of up to three moose per regulatory year is allowed for the celebration known as the Nuchalawoyya Potlatch, under the terms of a subsistence permit issued by the department to the Native Village of Tanana. The Native Village of Tanana shall report to the department, division of wildlife conservation, Fairbanks, Alaska, within five days after the taking of each moose, the sex of the moose taken, and the location of taking. (Eff. 6/14/89, Register 110)

Authority: AS 16.05.255
AS 16.05.258
AS 16.05.330

5 AAC 92.054. PRIORITY FOR SUBSISTENCE HUNTING. Repealed 7/3/86.

5 AAC 92.056. POINT SYSTEM FOR CUSTOMARY AND DIRECT DEPENDENCE. Repealed 7/3/86.

5 AAC 92.058. POINT SYSTEM FOR LOCAL RESIDENCY. Repealed 7/3/86.

5 AAC 92.059. ELIGIBILITY FOR HUNTING. Repealed 7/13/86.

Editor's notes. — 5 AAC 92.059 was that section was automatically repealed adopted by emergency action on July 3, on July 13, 1986. Register 99. Under AS 44.62.250.

5 AAC 92.060. POINT SYSTEM FOR AVAILABILITY OF ALTERNATIVE RESOURCES. Repealed 11/5/86.

5 AAC 92.061. SPECIAL PROVISIONS FOR GENERAL PERMIT HUNTS. In the Unit 8 general brown bear drawing permit hunt, the department shall issue permits, and a hunter may apply for a permit, as follows:

(1) the department shall issue a maximum of 40 percent of the drawing permits to nonresidents and a minimum of 60 percent to residents;

(2) the department shall enter, in the resident drawing, each application from a nonresident accompanied by a resident relative within the second degree of kindred; for each season, the department shall issue a maximum of four permits to nonresident hunters accompanied by a resident relative within the second degree of kindred; however, the department may not issue, within one calendar year, more than one of these permits per individual hunt, as de-

scribed in the permit hunt guide published each year by the department;

(3) a nonresident guided hunter or the hunter's agent may apply for a registration permit for the general hunt, to be issued on a first-come, first-served basis at the Kodiak division of wildlife conservation office; the department shall issue a registration permit for the general hunt only to an applicant who presents proof that the applicant will be accompanied by a guide, as required in AS 16.05.407(a). (Eff. 7/6/85, Register 95; am 8/20/89, Register 111)

Authority: AS 16.05.255
AS 16.05.407

Editor's notes. — Before 8/20/89, Register 111, the substance of 5 AAC 92.061 was contained in former 5 AAC 81.230. The history note for 5 AAC 92.061 includes the history of the provision before 8/20/89.

5 AAC 92.065. PERMIT FOR ACCESS TO MCNEIL RIVER STATE GAME SANCTUARY. (a) A permit is required for access to McNeil River State Game Sanctuary; however, no permit is required for access to McNeil Spit or other land or water below mean high tide seaward of a line from an ADF&G regulatory marker on the north side of the mouth of McNeil River to an ADF&G regulatory marker at the campground on the eastern shore of McNeil Cove, or for access to other tidewaters of the sanctuary when open to commercial fishing by emergency order. The department may issue a single nontransferable permit to each individual who qualifies under the permit application and issuance procedures, and who pays the application and permit fees established by the department in 5 AAC 93.030.

(b) The department may issue an unlimited number of permits; however, from July 1 through August 25, a maximum of 10 drawing permits for access to bear viewing areas may be in effect for each day.

(c) The department shall issue and condition permits for access during the period July 1 through August 25 as follows:

(1) the department shall issue a permit to visit any bear viewing area through a lottery drawing, for a designated time period not to exceed four days; the department may not issue more than one drawing permit to the same person in a calendar year; the department may reserve permits for up to three parties of not more than three people each for scientific and educational purposes, but the department may not issue permits for more than one scientific or educational party for each four-day time period;

(2) the department may issue, to a person not holding a permit to visit a bear viewing area, a limited access permit, under which the person must remain in the immediate vicinity of the campground or beach;

and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning;

(C) that portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier is closed to the trapping of marten;

(5) Unit 17: all islands within the Walrus Islands State Game Sanctuary as described in AS 16.20.110 are closed to trapping. (Eff. 8/20/89, Register 111)

Authority: AS 16.05.250 AS 16.20.120
 AS 16.05.255 AS 16.20.170
 AS 16.20.040

Article 19. Endangered Species

Section
 800. (Repealed)

5 AAC 92.800. ENDANGERED SPECIES. Repealed 8/20/89.

Editor's notes. — Effective 8/20/89, Register 111, the substance of former 5 AAC 92.800 is contained in 5 AAC 93.020.

Article 20. Definitions

Section
 990. Definitions

5 AAC 92.990. DEFINITIONS. In addition to the definitions in AS 16.05.940, the following definitions apply to 5 AAC 84 — 5 AAC 92:

(1) "airport" means an airport listed in the current Federal Aviation Administration Alaska supplement and aviation chart;

(2) "animal" means any species with a vertebral column (backbone);

(3) "bag limit" means the maximum number of animals of any one game species a person may take in the unit or portion of a unit in which the taking occurs;

(4) "bait" means any material, including scent lures, that is placed to attract an animal by its sense of smell or taste; "bait" does not include those parts of legally taken animals that are not required to be salvaged as edible meat if the parts are not moved from the kill site;

(5) "big game" means black bear, brown bear, bison, caribou, Sitka black-tailed deer, elk, mountain goat, moose, muskox, Dall sheep, wolf, and wolverine;

(6) "bow" means long bow, recurve bow, or compound bow, but not crossbow;

(7) "broadhead" means an arrowhead with two or more steel cutting edges having a minimum cutting diameter of not less than seven-eighths inch;

(8) "brow tine" means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose;

(9) "bull moose" means a male moose;

(10) "brown bear" means *Ursus arctos* including grizzly bears; the terms brown bear and grizzly bear are synonymous;

(11) "closed season" means the time when game may not be taken;

(12) "cub bear" means a brown (grizzly) bear in its first or second year of life, or a black bear (including the cinnamon and blue phases) in its first year of life;

(13) "dire emergency" means a situation in which a person

(A) is in a remote area;

(B) is involuntarily experiencing an absence of food required to sustain life;

(C) will be unable to perform the functions necessary for survival, leading to a high risk of death or serious and permanent health problems, if wild game food is not immediately taken and consumed; and

(D) cannot expect to obtain other food sources in time to avoid the consequences described in (C) of this paragraph;

(14) "domicile" means the location of a person's primary residence; evidence of domicile includes

(A) a statement made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

(B) an affidavit of the person, or of another person who may know of that person's domicile;

(C) the place of voter registration;

(D) the location of a residence owned, rented, or leased;

(E) the location where household goods are stored;

(F) the location of a business owned or operated;

(G) the residence of a spouse or minor children or dependents;

(H) a government to which a tax is paid; and

(I) evidence indicating whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the government in that location;

(15) "drainage" means the area of land drained by a creek, stream, or river, unless further defined in regulation;

(16) "drawing permit" means a permit issued to a person who is one of a limited number of people selected by means of a lottery held

for people who have submitted a valid application for the permit and who agree to abide by the conditions specified for each hunt;

(17) "edible meat" means, in the case of a big game animal, the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (stifle joint) and that portion of the animal between the front and hindquarters; in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

(18) "falconry" means the sport of taking game by means of a trained raptor;

(19) "full-curl horn" of a male (ram) Dall sheep means

(A) that the tip of at least one horn extends up to or above the level of the posterior base of the horn when viewed at a right angle from the side, or

(B) that both horns are broken, or

(C) that the sheep is at least eight years of age as determined by horn growth annuli;

(20) "fur animal" means a coyote, arctic fox, red fox, lynx, or red squirrel that has not been domestically raised; "fur animal" is a classification of animals subject to taking with a hunting license;

(21) "furbearer" means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, least weasel, short-tailed weasel, muskrat, land otter, red squirrel, flying squirrel, ground squirrel, Alaskan marmot, hoary marmot, woodchuck, wolf, or wolverine; "furbearer" is a classification of animals subject to taking with a trapping license;

(22) "highway" means the driveable surface of a constructed road;

(23) "household" means that group of people domiciled in the same residence;

(24) "hunting area" for a species means that portion of a game management unit in which a season and a bag limit for that species are set out in 5 AAC 85;

(25) "jet aircraft" means an aircraft powered by an engine or engines that have no external propellers;

(26) "moose antler" definitions:

(A) "50-inch antlers" means the antlers of a bull moose with a spread of 50 inches or more, or with three or more brow lines on either side;

(B) "spike-fork antler" means an antler of a bull moose with only one or two lines; male calves are not spike-fork bulls;

(C) "36-inch antlers" means the antlers of a bull moose with a spread of 36 inches or more, or with three or more brow lines on either side;

(27) "motorized vehicle" means a motor-driven land, water, or air conveyance;

(28) "open season" means the time when game may be taken; an open season includes the first and last days of the period prescribed;

(29) "peace officer" means a police officer of the state or a person authorized by the commissioner of the Department of Fish and Game under AS 16.05.150;

(30) "permit hunt" means a hunt for which a permit is issued on a drawing or registration hunt basis;

(31) "person" means a natural person and does not include a corporation, company, partnership, firm, association, organization, business trust, or society;

(32) "poison" means a substance that is toxic or poisonous upon contact or ingestion;

(33) "registration permit" means a hunting permit issued to a person who agrees to the conditions specified for each hunt; permits are issued in the order applications are received; and are issued

(A) beginning on a date announced by the department and continuing throughout the open season, or until the season is closed by emergency order when a harvest quota is reached; or

(B) beginning on a date announced by the department and continuing until a predetermined number of permits have been issued;

(34) "regulatory year" means July 1 through June 30;

(35) "road-connected area" means the location of domiciles that are normally accessed by motorized highway vehicles operating on constructed roads that connect to the main highway system in the relevant area, including roads that can be negotiated during any portion of the year; in this paragraph, "normally accessed" means that it is reasonably feasible to transport persons, food, and other supplies to domiciles by motorized highway vehicles;

(36) "sealing" means the placement of an official marker or locking tag (seal) by an authorized representative of the Department of Fish and Game on an animal hide or skull, and may include

(A) collecting and recording biological information concerning the conditions under which the animal was taken;

(B) measuring the specimen submitted for sealing; and

(C) retaining specific portions of the animal for biological information, such as a pre-molar tooth from a bear;

(37) "1/8 curl horn" means the horn of a mature male Dall sheep, the tip of which has grown through seven-eighths of a circle (315°), described by the outer surface of the horn, as viewed from the side, or with both horns broken;

(38) "skin" means any tanned or untanned hide of an animal, including its claws;

(39) "small game" means all species of grouse, hare, ptarmigan, and waterfowl, crane and snipe;

(40) "tine" or "point" means any antler projection that is at least one inch long, and that is longer than it is wide, measured one inch or more from the tip;

(41) "transport" means to ship, carry, import, export, or receive or deliver for shipment, carriage, or export;

(42) "trophy" means a mount of a big game animal, including the skin of the head (cape) or the entire skin, in a lifelike representation of the animal; "trophy" also includes a "European mount" in which the horns or antlers and the skull or a portion of the skull are mounted for display;

(43) "unclassified game" means any species of game not otherwise classified in this section as "big game," "fur animal," "furbearer," or "small game";

(44) "unit" means one of the 26 geographical areas defined in 5 AAC 92.450;

(45) "within the second degree of kindred" means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, brother- or sister-in-law, son- or daughter-in-law, and father- or mother-in-law;

(46) "year" means calendar year unless another year is specified. (Eff. 7/5/85, Register 95; am 6/19/86, Register 98; am 7/3/86, Register 99; am 8/8/87, Register 103; am 4/24/88, Register 106; am 7/14/88, Register 107; am 8/20/89, Register 111)

Authority: AS 16.05.255
AS 16.05.258

Editor's notes. — The 8/20/89 amendment of 5 AAC 92.890 included renumbering of various definitions to present them in alphabetical order.

CHAPTER 93. DEPARTMENT PROGRAMS

Section

1. Application of this chapter
10. Rabbit Creek rifle range fee schedule
20. Endangered species
30. Permit application and fees for McNeil River State Game Sanctuary access permit

Section

40. Radio telemetry frequencies
50. Grant of lison and musk oxen to private ownership

5 AAC 93.001. APPLICATION OF THIS CHAPTER. The regulations in this chapter apply to fee schedules, endangered species, or other specific responsibilities of the commissioner. The regulations in this chapter are adopted by the commissioner of the Department of

Fish and Game rather than the Board of Game. (Eff. 8/20/89, Register 111)

Authority: AS 16.05.050

5 AAC 93.010. RABBIT CREEK RIFLE RANGE FEE SCHEDULE. (a) Except as provided in (b) of this section, the department will charge a fee for use of the shooting (including archery) facility at the Rabbit Creek Rifle Range, Mile 10, Seward Highway, in the amount of \$4 per day per person, or \$25 per person for a non-transferable calendar-year ticket.

(b) The fee established in (a) of this section does not apply to

(1) an instructor or a student participating in a hunter safety, marksmanship, or firearm safety training program approved by the department;

(2) a state, federal, or municipal law enforcement or military employee engaging in a training or firearm testing activity authorized by the department;

(3) a resident, as defined in AS 16.05.940, under 16 years of age;

(4) a resident, as defined in AS 16.05.940, 60 years of age or older.

(c) The department will, in its discretion, sell shooting accessories, such as paper targets, clay targets, ear protectors, or eye protectors at the range. If the department sells accessories, it will charge a reasonable price. (Eff. 1/19/86, Register 97; am 10/14/87, Register 104)

Authority: AS 16.05.020
AS 16.05.050
AS 16.55.010

5 AAC 93.020. ENDANGERED SPECIES. The following species are endangered in Alaska:

- | | |
|-------------------------------|--------------------------------------|
| (1) Eskimo curlew | <i>Numenius borealis</i> |
| (2) Aleutian Canada goose | <i>Branta canadensis leucopareia</i> |
| (3) American Peregrine falcon | <i>Falco peregrinus anatum</i> |
| (4) Arctic Peregrine falcon | <i>Falco peregrinus tundrius</i> |
| (5) Short-tailed albatross | <i>Diomedea albutrus</i> |
| (6) Humpback whale | <i>Megaptera novaeangliae</i> |
| (7) Right whale | <i>Balaena glacialis</i> |
| (8) Blue whale | <i>Balaenoptera musculus</i> |

(Eff. 7/5/85, Register 95; am 2/21/87, Register 101; am 8/20/89, Register 111)

Authority: AS 16.20.190

Editor's notes. — Before 8/20/89, Register 111, the substance of 5 AAC 93.020 was contained in former 5 AAC 92.800

The history note for 5 AAC 93.020 includes the history of the provision before 8/20/89.

S B

422

FILE 2

chgd in Sen. Resources
chgd in Sen. Finance

Original sponsor(s): Rules Committee by Request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 422 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to guide-outfitter use area permits,

7

the Big Game Commercial Services Board, guide-out-

8

fitters, transporters and air carriers, and providers

9

of other big game commercial services, and commercial

10

use permits; and providing for an effective date."

11

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

12

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

13

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

14

fitters

15

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

16

resources by allowing overharvest of big game species or populations

17

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

18

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

19

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

20

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

21

outfitters and other hunters;

22

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

23

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

24

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

25

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

26

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

27

outfitter industry;

28

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

29

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

1 the rural regions of the state;

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

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

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

16 (b) The purpose of this Act is to

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

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

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

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

28 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CORRECTION

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

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

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

8 Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA

9 PERMIT. (a) The board shall adopt procedures for evaluating the
10 qualifications of applicants for guide-outfitter use area permits.

11 The procedures must appropriately balance the criteria included under
12 (b) of this section to ensure that all applicants are afforded a fair
13 opportunity to obtain a use area permit in those game management units
14 for which the applicant is certified by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (C) field preparation of trophies;

17 (D) care of game meat;

18 (E) use of guide-outfitting gear;

19 (F) firearm safety;

20 (G) practical first aid; and

21 (H) booking and contracting hunts;

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) pays the license fee;

16 (3) applies for a [PAYS THE] commercial use permit
17 required under AS 08.54.470 [FEE];

18 (4) provides proof of

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

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

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

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

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

1 submit with the application for renewal

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

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

6 (3) the commercial use permit fee for the [NEXT LICENSING]
7 period covered by the current permit, ~~and the applicant is required to~~
8 ~~obtain a permit under AS 08.54.470~~ and

9 (4) proof of

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

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

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

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

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

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

*am
#2
to
delete*

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

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

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

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

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

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

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

42-30.208
air carrier
fin. resp.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) wildlife law enforcement concerns;

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

21 (4) land ownership in the area;

22 (5) administrative restrictions;

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

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

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

29 (9) existing facilities within the area; and

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

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

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

14 (g) In this section

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

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

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

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

1 by sec. 5 of this Act.

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

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

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

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

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

1 of this section.

2 * Sec. 22. TRANSITION; AIR CARRIER ADVERTISING. An air taxi operator
3 or air carrier, whose operations are not included within the definition of
4 "transportation services" in AS 08.54.590(13), as amended by sec. 16 of
5 this Act, but whose publicity brochures or other print media produced
6 before April 1, 1990, contain advertisements for big game commercial ser-
7 vices that remain in circulation or use after April 1, 1990, will not be
8 considered as advertising big game commercial services.

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

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

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

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

- Am 1 - failed 9-11

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

- Am 3 - passed 12-8 - removes goats

SB422 passed 15-5
Coghill
Fuchs
Halford
Rodes
Szymanski



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

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

SUMMARY

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

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

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

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

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Legislative Intent Continued:

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

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

DATE TURNED INTO OFFICE: 3-27-90

Resources

Committee considered

SB 422

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

and recommended:

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

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) Commerce +
TTIC

zero fiscal note(s) _____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Rick Halford do NOT Pass
 unless NON SEVERABLE

 Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

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

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

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

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

Fiscal Note for Senate Bill 422
Page 2 of 2

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

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

* These positions are existing PCNs.

BILL NO: SB 422

DATE: February 9, 1990

TITLE: Guide-Outfitter Use Areas

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

DEPARTMENT OF
PUBLIC SAFETY
/ FISH & WILDLIFE
PROTECTION

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

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

The Department of Public Safety supports passage of this bill.


ARTHUR ENGLISH
Commissioner

FISCAL NOTE

REQUEST:

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

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

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

Approved by Commissioner: Larry Merculieff Date: 2/8/90
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.

BY THE RULES COMMITTEE BY REQUEST

1 IN THE SENATE

2

SENATE BILL NO. 422

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

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

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

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

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

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

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

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

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

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

15 (b) The purpose of this Act is to

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

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

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

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

27 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

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

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

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

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

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

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

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

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

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

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

29 (3) requirements for economically viable guide-outfitter

1 operations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 outfitter use area permit under AS 08.01.065.

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

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

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

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

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

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

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

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

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

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

all applicants have to "fairness"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 use area by one use area permittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 plans, if appropriate; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) wildlife law enforcement concerns;

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

10 (4) land ownership in the area;

11 (5) administrative restrictions;

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

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

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

18 (9) existing facilities within the area; and

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

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

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

3 (g) In this section

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

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

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

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

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

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

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

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

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

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

BY THE RULES COMMITTEE BY REQUEST

1 IN THE SENATE

2

SENATE BILL NO. 422

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permits,

7

the Big Game Commercial Services Board, and guide-

8

outfitters, transporters, and providers of other big

9

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

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

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

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

13 fitters

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

15 resources by allowing overharvest of big game species or populations

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

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

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

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

20 outfitters and other hunters;

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

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

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

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

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

26 outfitter industry;

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

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

29 the rural regions of the state;

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

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

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

15 (b) The purpose of this Act is to

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

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

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

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

27 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

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

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

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

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

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

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

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

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

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

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

(3) requirements for economically viable guide-outfitter

1 operations;

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

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

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

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

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

- 13 (1) the location and a brief description of the use area;
14 (2) whether the use area is available for sole or joint
15 use.

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

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

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

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

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

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

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

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

1 outfitter use area permit under AS 08.01.065.

2 Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA

3 PERMIT. (a) The board shall adopt procedures for evaluating the
4 qualifications of applicants for guide-outfitter use area permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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