

HOUSE BILL NO. 185

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Introduced: 3/12/97

Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to taking of game on the same day airborne and to permits
2 to take wolves."

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

4 * **Section 1.** AS 16.05.783 is amended to read:

5 **Sec. 16.05.783. Same day [PROHIBITION OF SAME-DAY] airborne**
6 **hunting.** (a) A person may not shoot or assist in shooting a free-ranging wolf,
7 wolverine, fox, or lynx the same day that a person has been airborne.

8 **(b) Notwithstanding (a) of this section [HOWEVER], the Board of Game**
9 **may adopt regulations to authorize a wolf control program involving the taking**
10 **[SHOOTING] of wolves from the air, on the same day a person was airborne, or**
11 **with the assistance of aircraft if**

12 (1) the **board finds that the use of aircraft to assist in taking wolves**
13 **is necessary to effectively and efficiently conduct an intensive management**
14 **program adopted under AS 16.05.255; [COMMISSIONER OF FISH AND GAME**

1 MAKES WRITTEN FINDINGS BASED ON ADEQUATE DATA
 2 DEMONSTRATING THAT A BIOLOGICAL EMERGENCY EXISTS AND THAT
 3 THERE IS NO FEASIBLE SOLUTION OTHER THAN AIRBORNE CONTROL TO
 4 ELIMINATE THE BIOLOGICAL EMERGENCY, AND]

5 (2) the **wolf control** program is conducted only by Department of Fish
 6 and Game personnel;

7 (3) the **wolf control** program is limited to the specific geographical
 8 area **for which the intensive management program has been adopted;** [WHERE
 9 THE BIOLOGICAL EMERGENCY EXISTS,] and

10 (4) the **wolf control** program removes only the minimum number of
 11 wolves necessary to **achieve the goal of the intensive management program.**

12 **(c)** [ELIMINATE THE BIOLOGICAL EMERGENCY.

13 (b)] This section does not apply to a person who

14 **(1)** was airborne the same day if that person was airborne only on a
 15 regularly scheduled commercial flight;

16 **(2)** **is an employee of the Department of Fish and Game and takes**
 17 **a wolf in accordance with regulations adopted by the Board of Game**
 18 **under (b) of this section; or**

19 **(3)** **takes a wolf in accordance with AS 16.35.210 and under the**
 20 **authority of a permit issued under AS 16.35.210.**

21 **(d)** [(c)] A person who violates this section is guilty of a misdemeanor [,] and
 22 upon conviction is punishable by a fine of not more than \$5,000 [,] or by
 23 imprisonment for not more than one year, or by both. In addition, the court may order
 24 the aircraft and equipment used in or in aid of a violation of this section to be forfeited
 25 to the state.

26 **(e)** [(d)] In this section,

27 [(1)] "free-ranging" means that the animal is wild and not caught in a
 28 trap or snare [; AND

29 (2) "BIOLOGICAL EMERGENCY" MEANS A CONDITION
 30 WHERE A WOLF POPULATION IN A SPECIFIC GEOGRAPHIC AREA IS
 31 CAUSING THE IRREVERSIBLE DECLINE OF A PREY POPULATION TO

1 THE POINT THAT THE PREY POPULATION MAY NOT LIKELY
2 RECOVER WITHOUT IMPLEMENTING WOLF CONTROL].

3 * **Sec. 2.** AS 16.35 is amended by adding a new section to read:

4 **Sec. 16.35.210. Hunting of wolves on same day airborne.** The department
5 shall issue permits to resident sport hunters authorizing the hunters to take wolves in
6 a geographic area for which the Board of Game has adopted an intensive management
7 plan under AS 16.05.255. A person who holds a permit under this section may take
8 a wolf (1) on the same day the person was airborne upon landing in an aircraft after
9 the forward motion of the aircraft has ceased and the engine of the aircraft has come
10 to a complete stop and (2) in accordance with other applicable law. This section does
11 not authorize a person to take a wolf from the air.