

**HOUSE CS FOR CS FOR SENATE BILL NO. 262(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 5/1/98

Referred: Finance

Sponsor(s): SENATOR TAYLOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to regulation of hunting and trapping, to the definition of  
2 'sustained yield,' and to controlled use areas."

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

4 \* **Section 1.** AS 16.05.255(a) is amended to read:

5 (a) The Board of Game may adopt regulations it considers necessary  
6 [ADVISABLE] in accordance with AS 44.62 (Administrative Procedure Act) for the  
7 biological management of game by

8 (1) setting apart game reserve areas, refuges, and sanctuaries in the  
9 water or on the land of the state over which it has jurisdiction, subject to the approval  
10 of the legislature;

11 (2) establishing

12 (A) open and closed seasons for the taking of game that are  
13 biologically necessary for the management of the game being taken; and

14 (B) areas for the taking of game;

1 (3) establishing the means and methods employed in the pursuit,  
 2 capture, taking, and transport of game, including regulations, consistent with **sustained**  
 3 **yield** [RESOURCE CONSERVATION AND DEVELOPMENT GOALS], establishing  
 4 means and methods that may be employed by persons with physical disabilities;

5 (4) setting quotas, bag limits, harvest levels, and sex, age, and size  
 6 limitations on the taking of game;

7 (5) classifying game as game birds, song birds, big game animals, fur  
 8 bearing animals, predators, or other categories;

9 (6) methods, means, and harvest levels necessary to control predation  
 10 and competition among game in the state;

11 (7) watershed and habitat improvement, and management, conservation,  
 12 protection, use, disposal, propagation, and stocking of game;

13 (8) prohibiting the live capture, possession, transport, or release of  
 14 native or exotic game or their eggs;

15 (9) establishing the times and dates during which the issuance of game  
 16 licenses, permits, and registrations and the transfer of permits and registrations between  
 17 registration areas and game management units or subunits is allowed;

18 (10) regulating sport hunting and subsistence hunting as needed for the  
 19 **biological management** [CONSERVATION], development, and utilization of game;

20 (11) taking game to ensure public safety.

21 \* **Sec. 2.** AS 16.05 is amended by adding a new section to read:

22 **Sec. 16.05.799. Regulation of hunting.** (a) The Board of Game and the  
 23 department may not restrict the use of a means of access for hunting game if that  
 24 means of access is a traditional means of access for hunting game for consumptive use.  
 25 However, the board or department may restrict the use of a traditional means of access  
 26 for hunting game if the board or department

27 (1) finds in writing that

28 (A) the means of access could result in significant biological  
 29 harm to a game population in the area where the restriction is to apply; and

30 (B) the recovery of the population would be unlikely without  
 31 a restriction on that means of access to the area; and

1                   (2) has implemented active management measures that are necessary  
2 to aid in the recovery of depressed game populations in the area.

3                   (b) The Board of Game or the department may not restrict the use of a  
4 traditional means of access for hunting game for the purpose of preferring or affecting  
5 the quality of the outdoor experience of a person or group.

6                   (c) In this section, "means of access" means a mode of transportation,  
7 including but not limited to motor vehicle, aircraft, balloon, boat, air boat, snow  
8 vehicle, all-terrain vehicle, horse, dog sled, ski, snowshoe, or foot.

9 \* **Sec. 3.** AS 16.05.940 is amended by adding a new paragraph to read:

10                   (37) "sustained yield" means the achievement and maintenance in  
11 perpetuity of a high level of human harvest on an annual basis of game, other than  
12 mammalian predators, and of fish.

13 \* **Sec. 4.** 5 AAC 92.004(a)(4) is annulled.

14 \* **Sec. 5.** The Board of Game may continue controlled use areas that are in existence on  
15 the effective date of this Act as the board considers necessary. On or after the effective date  
16 of this Act, the Board of Game may establish a controlled use area only if necessary to  
17 achieve biological management goals.