

ALASKA STATE LEGISLATURE
SENATE RESOURCES COMMITTEE

February 12, 2001
3:40 p.m.

MEMBERS PRESENT

Senator John Torgerson, Chair
Senator Drue Pearce, Vice Chair
Senator Pete Kelly
Senator Robin Taylor
Senator Kim Elton
Senator Georgianna Lincoln

MEMBERS ABSENT

Senator Rick Halford

Draft

COMMITTEE CALENDAR

SENATE BILL NO. 72

"An Act relating to 'take-a-child-hunting' seasons for big game."

MOVED CSSB 72(RES) OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 7

Opposing former United States Secretary of the Interior Babbitt's rescission of a United States Department of the Interior directive prohibiting the United States Bureau of Land Management from considering Alaska land for designation as wilderness and urging the reinstatement of that directive.

MOVED CSSJR 7(RES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

SB 72 - No previous action to consider.

SJR 7 - No previous action to consider.

WITNESS REGISTER

Mr. Wayne Regelin, Director
Division of Wildlife Conservation
Department of Fish & Game
PO Box 25526
Juneau, AK 99802-5226

POSITION STATEMENT: Commented on SB 72.

Mr. Darwin Peterson
Aide to Senator Torgerson
State Capitol Bldg.
Juneau AK 99811

POSITION STATEMENT: Commented on SJR 7.

Mr. Ron Somerville
Resource Consultant to the House and Senate Majorities
State Capitol Bldg.
Juneau AK 99811

POSITION STATEMENT: Commented on SJR 7.

ACTION NARRATIVE

TAPE 01-11, SIDE A

Number 001
#SB72

SB 72-TAKE A CHILD HUNTING SEASON

CHAIRMAN JOHN TORGERSON called the Senate Resources Committee meeting to order at 3:40 p.m. and announced SB 72 to be up for consideration.

SENATOR PETE KELLY, sponsor, said SB 72 establishes a hunting season to accommodate school schedules throughout the state where the Board of Game can do it. He explained that the idea came from his own childhood when he had to watch his big brothers and his Dad go off hunting sometimes while he was still in school. "We should be able to take out kids hunting and it shouldn't interfere with schools even though they will certainly learn a lot of lessons out there hunting that they couldn't learn in school."

SENATOR KELLY explained that the proposed committee substitute changes the ages from the original 18 years and under and 19 years of age and older to 17 and under and 21 and older.

SENATOR KELLY moved to adopt the CS to SB 72, draft L. There were

no objections and it was so ordered.

MR. WAYNE REGELIN, Director, Division of Wildlife Conservation, supported SB 72. "We think it's a very good concept. We like the idea of encouraging young people to begin hunting." He agreed with leaving most of the details to the Board of Game. He suggested that the Board have a two or three day separation between the early youth season and the general season, so people don't bring their child along to hunt and then send him home. He also considered a minimum age of 10 and older.

SENATOR KELLY said he didn't object to a minimum age.

CHAIRMAN TORGERSON asked if UAA would be considered a school in this bill.

MR. REGELIN said they were thinking more of high school and junior high.

Number 500

SENATOR TAYLOR said his district has moose, elk, and bear. He said that deer and goat season starts August 1. Moose is usually September 15 to October 15 or to the end. Elk was as late as October 15 one time and now it's October 1 to the end. He said that animals in Southeast are about a month or so later than in other areas and asked if that would cause any management difficulties down here.

MR. REGELIN replied that the Board would take a "real hard look at Southeast because it is different." He thought the Board would probably put the issue into Advisory Committees and go through that

process. The Stikine hunt and Berner's Bay are both very intense because they are strictly a drawing and it probably wouldn't be appropriate there. He thought they would "have to give elk some real thought."

SENATOR TAYLOR said they had also encountered problems with proxy hunting where people are using their two-year old child as a proxy, etc.

MR. REGELIN said they had experienced that type of problem when proxy hunting first started. One guy got a proxy permit for his two-year old kid and that's not what the law is for. At the same time, if there's a hunter in a village that is a primary hunter and provides meat for lots of people, he could see him taking 30 deer. Overall, it's worked out he said. "There's always someone looking for a loophole."

SENATOR ELTON said he didn't think they needed a bill to do this and that the Board of Game could do this on its own.

MR. REGELIN replied that they probably could, but this would encourage them to do it. This will ensure that it's legal to do something for underage people that is a special privilege.

SENATOR ELTON asked if the Board would be able to implement minimum age requirements the way this bill is drafted.

MR. REGELIN answered that he thought they probably could. They would recommend that the Board have people register to see how many are going to participate and if it's worthwhile, they will issue a permit in both peoples' names for good records. If the Board sees abuse, they could fix it.

SENATOR ELTON said the way he reads it, taking a five or six-year old is an abuse. There's nothing in the bill requiring the child to hunt. It's just that they accompany an adult hunter.

MR. REGELIN replied that was true and they wanted to leave it either/or and see how it works. He wanted to leave it up to the parent. He thought this area needed a little more thought.

SENATOR ELTON responded that he was generally in favor of allowing wide latitude to the regulatory Board in this instance, but he wasn't comfortable getting in a position where a father and a son fly into Turner Lake, set up a camp to go goat hunting, and then the kid stays in a tent and the adult climbs the mountain so they can take advantage of an earlier and less busy hunting season.

SENATOR LINCOLN said that she is a hunter and takes children in Rampart hunting. She thought the youngest person she had ever taken was seven years old and more often than not they would come home with nothing. She has always had a problem with the notion that we have to have a piece of legislation to take a child hunting because people go hunting for food, not sport. She has problems with legislation that says they're going to take a child to go and learn to kill.

SENATOR LINCOLN said further, "If parents want to take their children hunting, they can do it even during school." They can take them on the weekend like her Dad did. She also didn't know how the Board would establish appropriate areas. "Would they establish an area in and around the Fairbanks area and not in the rural area? Or would it be in the rural area and not in the urban areas so that would put more pressure on rural areas."

SENATOR LINCOLN said she is concerned that young people would be brought along for the hunts and she didn't know if they would have a great time. There can be vast abuse of the system by having an early hunt.

Number 1238

MR. REGELIN responded that he thought this would be administered on a game management or a subunit basis. It's appropriate where the season starts at or right after school has begun. The intent was to leave the details to the Board of Game.

SENATOR LINCOLN asked if hunting areas would be open for all residents of the state to go in and have an early hunt.

MR. REGELIN replied during the general season, anyone can go anywhere by winning a drawing and these seasons would probably be for five days. It would be open to anyone who is a resident.

SENATOR KELLY responded that the language was not meant to be vague, but permissive for the Board of Game to work through the details. He didn't think they should assume abuses when you're talking about hunting. Most hunters are responsible people. There is nothing in the bill that reduces punishment for abuses. He said there are valuable lessons to be learned. "It has the potential to draw families together with kids at an earlier age."

SENATOR ELTON said he thought the bill went far beyond family, if you can find someone under 17 that goes with you. He asked how it would work for Sitka black tail hunting in Southeast Alaska. "Would this authorize the Board to have a doe season prior to school

opening, since the buck season opens the middle of August and then the doe season on the first of October?"

MR. REGELIN said the Board can already do that if it were biologically appropriate. In the case of deer, there's a good month before school starts. He didn't think they would make any changes to anything for deer hunting anywhere in the state. He thought it was smart to put this "privilege category" in statute.

SENATOR LINCOLN asked if they were going to open up areas across the State of Alaska, how would they do that with a \$0 fiscal note. She thought there would have to be earlier enforcement of those areas.

MR. REGELIN replied that Fish and Wildlife Protection might have a fiscal note, but he thought this would require a little more time at the Board which he didn't think was significant enough to warrant a fiscal note.

SENATOR LINCOLN asked how to respond to someone who is single or who doesn't have children who will not be able to go on the early hunt.

MR. REGELIN replied that they could go during the regular hunting season because they don't have a conflict with school.

SENATOR TAYLOR moved on line 7 to delete "resident" before the word "child" because there are a lot of parents whose children are not in-state, but have them up during the summer and would like to utilize the activity. He also suggested inserting "no more than" before 17 years of age and "no less than" 10 years of age.

SENATOR ELTON asked the sponsor if he wanted to split up the amendment.

SENATOR KELLY said he wasn't sold on the 10 years age. He said the resolution was directed at school age kids. He said he felt better with 8 years old.

SENATOR TAYLOR amended his amendment to change 10 to 8 years old.

SENATOR PEARCE said she didn't want to go beyond dependent children and asked if they could make that clear. She commented that when she was in school, kids would just go hunting.

SENATOR ELTON suggested using language, "resident adult and a resident or dependent child."

CHAIRMAN TORGERSON moved to change the age from 10 years to 8 years. There were no objections and the amendment carried.

SENATOR ELTON moved on line 7 to insert "or dependent" before "child." There were no objections and it was so ordered.

SENATOR TAYLOR asked if a 16 year old child is taken out hunting by a resident adult, does the kid have to be licensed?

MR. REGELIN replied, "If you're a resident of the State of Alaska, you don't need a license until you are 16."

SENATOR TAYLOR asked how the person who is under 16 gets a tag to hunt if he's not licensed.

MR. REGELIN replied that the Division routinely issues moose tags

to people under 16 years of age.

SENATOR TAYLOR asked if they had to go through anything like a safety course before they could get a hunting license.

MR. REGELIN replied that is required for certain hunts, like bow hunting and for certain areas in Anchorage. The Board is in the process of making it mandatory for kids under a certain age to have hunter education and people over that age will be grandfathered in. That will be phased in over the next couple of years.

CHAIRMAN TORGERSON asked about non-resident children.

MR. REGELIN replied that non-residents under the age of 16 would have to buy a license.

SENATOR TAYLOR moved to pass CSSB 72(RES) from committee with individual recommendations. There were no objections and it was so ordered.

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Number 2000

#SB7

SB 7-CONSTABLES IN UNORGANIZED BOROUGH

CHAIRMAN TORGERSON announced SB 7 to be up for consideration.

MR. DARWIN PETERSON, Aide to Senator Torgerson, testified that in 1981 President Reagan's Secretary of the Interior issued a directive stating that BLM land in Alaska may not be considered for wilderness reviews as required by Section 603 of the Federal Land Planning Management Act of 1976. The purpose of this directive was to comply with congressional mandates in the Alaska National

Interest Lands Conservation Act (ANILCA). Sections 13.20 and 13.26 of ANILCA are often referred to as the "no more clauses" because they exempt Alaska from future federal wilderness designations and withdrawals exceeding 5,000 acres.

SJR 7 was introduced in response to Secretary of Interior Babbitt's last minute rescission of this directive. It is contrary to an Interior Department policy that has been an important tool for management and development of Alaska's resources for almost the last 20 years. "It was done without public comment or consultation with Alaska. With the absence of this policy, BLM will be able to manage its roadless land in Alaska as defacto wilderness areas in the expectation that Congress will eventually enact approving legislation," MR. PETERSON said.

He explained after the original resolution was introduced, Mr. Somerville and Mr. Bill Horn recommended that the title be changed so it is easier to read by taking out some double negatives. The first two "whereas" sections are additions and include references to Sections 13.20 and 13.26 of ANILCA.

He said that the "Whereas" on page 2, line 7 is an addition and describes the legislature's concern that without this directive, BLM would be able to manage land as defacto wilderness areas.

SENATOR PEARCE moved to adopt the CS to SJR 7, Luckhaupt J. There were no objections and it was so ordered.

TAPE 11, SIDE B

SENATOR TAYLOR said that the first two "whereas clauses" are the very basis upon which Governor Knowles sued the U.S. Forest

Service. Those directives from Mr. Babbitt were in direct contravention of the policy and law set by Congress. He said it is crucial to the development of this resource based state that no more wilderness areas be created.

SENATOR ELTON pointed out on page 2, line 3, anyone who tries to consult with Alaska won't get an answer, but they can try consulting with Alaskans. He also said that he couldn't imagine there was a need for the resolution. The new Secretary of Interior and the President campaigned on the issue of public land set asides.

SENATOR LINCOLN said she wanted to know if this in any way affects Native lands. She knows that Native allotments are under the preview of BLM.

CHAIRMAN TORGERSON said that was not his intent and the bottom "Whereas" on page 1 talks about the land being designated as wilderness and they couldn't designate any Native land as wilderness.

SENATOR TAYLOR said he thought it couldn't impact those lands because provisions in legislation that just passed last year provided for 160 acres for Native veterans and they would not be able to select those lands from an area that was designated wilderness.

MR. RON SOMMERVILLE, Resource Consultant to House and Senate Majorities, commented that they could make an argument for native allotments that haven't been finalized, but he didn't think it would affect the eventual transfer of an allotment. Once a review is started of all 5,000 acre roadless tracts for potential use of

wilderness, those areas will be managed as wilderness until the process is completed. The inadvertent effect could be lengthy for 80 million acres.

SENATOR TAYLOR moved to pass CS SJR 7(RES) from committee with individual recommendations. There were no objections and it was so ordered.

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CHAIRMAN TORGERSON adjourned the meeting at 4:35 p.m.