

HOUSE BILL NO. 364

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 2/23/26

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to intensive management of big game prey populations; relating to
2 same-day airborne hunting; and providing for an effective date."

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

4 * **Section 1.** AS 16.05.050(b) is amended to read:

5 (b) The commissioner shall annually submit a report to the

6 (1) Board of Game regarding the department's implementation during
7 the preceding three years of intensive management programs that have been
8 established by the board under AS 16.05.784 [AS 16.05.255] for identified big game
9 prey populations;

10 (2) legislature regarding the Board of Game's allocation of big game
11 hunting opportunities in the preceding calendar year; the commissioner shall file the
12 report with the senate secretary and the chief clerk of the house of representatives on
13 or before February 1 and notify the legislature that the report is available; the report
14 must include

1 (A) a summary description of the big game hunting
2 opportunities provided to residents and nonresidents;

3 (B) a detailed description of how big game hunting
4 opportunities for each big game species were allocated

5 (i) to residents, guided nonresidents, nonprofit
6 organizations for auction under AS 16.05.343(a) and (c), and, if
7 applicable, nonguided nonresidents;

8 (ii) by hunt type;

9 (iii) within each game management unit; and

10 (C) other information and data relevant to allocation of big
11 game hunting opportunities in the state by the Board of Game.

12 * **Sec. 2.** AS 16.05.130(g) is amended to read:

13 (g) Money accruing to the state from the intensive management surcharge
14 imposed under AS 16.05.340(k) shall be deposited in a separate account known as the
15 sustainable wildlife account in the fish and game fund. Money in the sustainable
16 wildlife account shall be allocated to intensive management programs intended to
17 sustain and enhance big game prey populations under **AS 16.05.784**
18 [AS 16.05.255(e)].

19 * **Sec. 3.** AS 16.05.255(e) is amended to read:

20 (e) The Board of Game **may** [SHALL] adopt regulations to provide for
21 intensive management programs **under AS 16.05.784** to restore the abundance or
22 productivity of identified big game prey populations as necessary to achieve human
23 consumptive use goals of the board [IN AN AREA WHERE THE BOARD HAS
24 DETERMINED THAT

25 (1) CONSUMPTIVE USE OF THE BIG GAME PREY
26 POPULATION IS A PREFERRED USE;

27 (2) DEPLETION OF THE BIG GAME PREY POPULATION OR
28 REDUCTION OF THE PRODUCTIVITY OF THE BIG GAME PREY
29 POPULATION HAS OCCURRED AND MAY RESULT IN A SIGNIFICANT
30 REDUCTION IN THE ALLOWABLE HUMAN HARVEST OF THE
31 POPULATION; AND

(3) ENHANCEMENT OF ABUNDANCE OR PRODUCTIVITY OF THE BIG GAME PREY POPULATION IS FEASIBLY ACHIEVABLE UTILIZING RECOGNIZED AND PRUDENT ACTIVE MANAGEMENT TECHNIQUES].

* **Sec. 4.** AS 16.05.270 is amended to read:

Sec. 16.05.270. Delegation of authority to commissioner. For the purpose of administering AS 16.05.251, [AND] 16.05.255, and 16.05.784, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final.

* **Sec. 5.** AS 16.05.340(a)(15) is amended to read:

(15) Nonresident big game tags

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under this paragraph. The tag must be affixed to the animal before leaving the kill site and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

- (A) Bear, black, each 450
- (B) Bear, brown or grizzly, each 1,000
- (C) Bison, each 900
- (D) Caribou, each 650
- (E) Deer, each 300
- (F) Elk, each 600
- (G) Goat, each 600
- (H) Moose, each 800
- (I) Sheep, each 850
- (J) Wolf, each 60

A nonresident is not required to have a nonresident wolf tag to take a wolf in a game management unit if the Board of

1 Game has adopted an intensive management program under **AS 16.05.784**
 2 [AS 16.05.255(e)] for all or a portion of the game management unit.

3 (K) Wolverine, each 350

4 (L) Musk oxen, each 2,200

5 * **Sec. 6.** AS 16.05.340(a)(21) is amended to read:

6 (21) Nonresident alien big game tags

7 (A) Bear, black, each 600

8 (B) Bear, brown or grizzly, each 1,300

9 (C) Bison, each 1,300

10 (D) Caribou, each 850

11 (E) Deer, each 400

12 (F) Elk, each 800

13 (G) Goat, each 800

14 (H) Moose, each 1,000

15 (I) Musk oxen, each 3,000

16 (J) Sheep, each 1,100

17 (K) Wolf, each 100 A nonresident alien is not required to have
 18 a nonresident alien wolf tag to take a wolf in a game management unit if the
 19 Board of Game has adopted an intensive management program under
 20 **AS 16.05.784** [AS 16.05.255(e)] for all or a portion of the game management
 21 unit.

22 (L) Wolverine, each 500

23 * **Sec. 7.** AS 16.05.340(k) is amended to read:

24 (k) In addition to the fees for a hunting license set out in (a) and (d) of this
 25 section, each person who purchases a hunting license shall pay an intensive
 26 management surcharge as set out in this subsection for the purpose of providing
 27 funding for the intensive management of the state's game populations under
 28 **AS 16.05.784** [AS 16.05.255(e)]. A person who is eligible for a \$5 resident hunting,
 29 trapping, and sport fishing license under (a)(6) of this section or a free license under
 30 AS 16.05.341 is exempt from payment of the surcharge imposed under this subsection.
 31 The amount of the surcharge attached to each hunting license must be clearly

1 disclosed on the license. Except as otherwise provided by this subsection, the intensive
2 management surcharge for each

3 (1) resident hunting license available under this section is \$10; and

4 (2) nonresident hunting license available under this section is \$30.

5 * **Sec. 8.** AS 16.05.783(a) is amended to read:

6 (a) A person may not shoot or assist in shooting a free-ranging wolf, **bear**, or
7 wolverine the same day that a person has been airborne. However, the Board of Game
8 may authorize a predator control program as part of a game management plan that
9 involves airborne or same day airborne shooting if the board has determined, based on
10 information provided by the department **under AS 16.05.784(f)**,

11 (1) in regard to an identified big game prey population under
12 **AS 16.05.784**, [AS 16.05.255(g)] that objectives set by the board for the population
13 have not been achieved and that predation is an important cause for the failure to
14 achieve the objectives set by the board, and that a **temporary** reduction of predation
15 can **clearly and convincingly** [REASONABLY] be expected to aid in the
16 achievement of the objectives; or

17 (2) that a disease or parasite of a predator population

18 (A) is threatening the normal biological condition of the
19 predator population; or

20 (B) if left untreated, would spread to other populations.

21 * **Sec. 9.** AS 16.05.783(b) is amended to read:

22 (b) This section does not apply to

23 (1) a person who was airborne the same day if that person was airborne
24 only on a regularly scheduled commercial flight; or

25 (2) an employee of the department who, as part of a game management
26 program **under AS 16.05.784**, is authorized to shoot or to assist in shooting wolf,
27 **bear**, wolverine, fox, or lynx on the same day that the employee has been airborne.

28 * **Sec. 10.** AS 16.05.783(d) is amended to read:

29 (d) When the Board of Game authorizes a predator control program **under**
30 **AS 16.05.784** that includes airborne or same day airborne shooting, the board shall
31 have the prerogative to establish predator reduction objectives and limits, methods and

1 means to be employed, who is authorized to participate in the program, and the
2 conditions for participation of individuals in the program.

3 * **Sec. 11.** AS 16.05 is amended by adding a new section to read:

4 **Sec. 16.05.784. Intensive management of big game prey populations.** (a)

5 Subject to (f) of this section, the Board of Game may adopt an intensive management
6 program for a designated geographic area where the board has determined that

7 (1) consumptive use of a big game prey population is a preferred use;

8 (2) a depletion of the big game prey population or reduction of the
9 productivity of the big game prey population has occurred and may result in a
10 significant reduction in the allowable human harvest of the population; and

11 (3) long-term enhancement of abundance or productivity of the big
12 game prey population is feasibly achievable using recognized and prudent active
13 management techniques.

14 (b) To aid the Board of Game in determining whether long-term enhancement
15 of abundance or productivity of a big game prey population is feasibly achievable in a
16 designated area using recognized and prudent active management techniques, the
17 department shall make comprehensive scientific findings as to the likely merits and
18 effectiveness of the proposed techniques and as to the long-term effects on the broader
19 ecosystem. The findings must address predator and big game prey animal interactions
20 and effects on predator and prey animal populations from factors relating to the
21 animals' habitat and environment. If the department finds, based on scientific
22 evidence, that long-term enhancement of abundance or productivity of a big game
23 prey population is feasibly achievable using the proposed techniques, the department

24 (1) shall provide the findings to at least one independent party for peer
25 review under (c) of this section;

26 (2) may not provide its findings to the board without including at least
27 one independent party's written report prepared under (e) of this section.

28 (c) The department shall contract with at least one independent party qualified
29 under (d) of this section to conduct a peer review of the department's findings under
30 (b) of this section, the data on which the findings are based, and other related
31 materials. An independent party with whom the department contracts for peer review

1 under this section is responsible for the scientific integrity of the independent party's
2 peer review process.

3 (d) To qualify as an independent party under (c) of this section, the
4 independent party

5 (1) must meet the following qualifications:

6 (A) be significantly involved with researching and
7 understanding predator, prey, and habitat interactions and the role of
8 consumptive harvest in management of wildlife;

9 (B) have the technical expertise required to review and analyze
10 findings, data, and other relevant material prepared by the department;

11 (C) be independent of the department and not involved in the
12 production of the findings or data under peer review; and

13 (2) may not be involved in advocacy relating to big game hunting,
14 wildlife, or related matters.

15 (e) An independent party conducting a peer review of the department's
16 findings under (c) of this section shall, within a time frame and budget agreed upon by
17 the independent party and the department, provide the department with a written report
18 prepared under the party's peer review process that contains a scientific evaluation of
19 the department's findings under (b) of this section and the independent party's
20 conclusions as to whether the long-term enhancement of abundance or productivity of
21 a big game prey population is feasibly achievable under this section. The department
22 may accept the independent party's report, in whole or in part, and may revise the
23 department's own findings accordingly.

24 (f) The department shall provide the board a written report containing the
25 department's determination whether long-term enhancement of abundance or
26 productivity of a big game prey population is feasibly achievable in a designated area
27 using the proposed techniques. The report must include any written reports prepared
28 by independent parties under (e) of this section, the department's consideration of the
29 conclusions of any independent party reports, any data that the department determines
30 support different conclusions than those in a report of an independent party, the
31 department's findings, and data produced under (b) of this section, and other materials

1 the department determines are relevant to the board's determination whether to adopt
 2 an intensive management program under (a) of this section. The Board of Game may
 3 not adopt an intensive management program under (a) of this section until the board
 4 has received the report required by this subsection.

5 (g) If, after receiving the report required under (f) of this section, the Board of
 6 Game determines that long-term enhancement of abundance or productivity of an
 7 identified big game prey population is feasibly achievable in a geographic area under
 8 this section, the board shall

9 (1) establish sustainable population and harvest goals and seasons for
 10 intensive management of the identified big game prey populations to achieve a high
 11 level of human harvest;

12 (2) limit geographic application of the program to an area that is not
 13 greater than necessary to accomplish program objectives;

14 (3) require the reauthorization or termination of an intensive
 15 management program after the program has been in effect for a period of three years.

16 (h) The Board of Game may not significantly reduce the taking of an
 17 identified big game prey population in an area by adopting regulations relating to
 18 restrictions on harvest or access to the population, or to management of the population
 19 by customary adjustments in seasons, bag limits, open and closed areas, methods and
 20 means, or other customary means authorized under AS 16.05.255(a), unless the board
 21 has adopted regulations, or has scheduled for adoption at the next regularly scheduled
 22 meeting of the board regulations, that provide for intensive management to increase
 23 the take of the big game prey population for human harvest consistent with (a) of this
 24 section. This subsection does not apply if the board

25 (1) determines that intensive management would be

26 (A) ineffective based on scientific information;

27 (B) inappropriate because of land ownership patterns; or

28 (C) against the best interest of subsistence uses; or

29 (2) declares that a biological emergency exists and takes immediate
 30 action to protect or maintain the big game prey population in conjunction with the
 31 scheduling for adoption of those regulations that are necessary to implement (a) of this

1 section.

2 (i) In this section,

3 (1) "harvestable surplus" means the number of animals that are
4 estimated to equal the number of offspring born in a game population during a year,
5 less the number of animals required for recruitment for population maintenance and
6 long-term enhancement, when necessary, and the number of animals in the population
7 that die from all causes, other than predation or human harvest, during that year;

8 (2) "high level of human harvest" has the meaning given in
9 AS 16.05.255(l);

10 (3) "identified big game prey population" has the meaning given in
11 AS 16.05.255(l);

12 (4) "intensive management" has the meaning given in AS 16.05.255(l).

13 * **Sec. 12.** AS 16.05.255(f), 16.05.255(g), and 16.05.255(l)(1) are repealed.

14 * **Sec. 13.** This Act takes effect July 1, 2026.