

Introduced: 5/11/77
Referred: Resources

1 IN THE SENATE

BY HUBER AND BUTROVICH BY REQUEST

2 SENATE BILL NO. 359

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the encroachment of domestic
7 animals on state land."

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

9 * Section 1. It is the intent of this Act to restrict domesticated
10 animal encroachment on state land if existing big game populations may be
11 endangered by disease or habitat destruction.

12 * Sec. 2. AS 03 is amended by adding a new chapter to read:

13 CHAPTER 33. ENCROACHMENT OF DOMESTIC
14 ANIMALS ON STATE LAND.

15 Sec. 03.33.010. ENCROACHMENT OF DOMESTIC ANIMALS ON STATE LAND.

16 (a) Except as permitted under AS 03.35 and (b) of this section, no
17 person may allow a domestic animal, as defined in AS 03.35.070(2), to
18 graze, trespass, or be herded on land patented to the state or tenta-
19 tively approved for patent to the state if such activity will be or is
20 likely to be detrimental to big game animals, as defined by 5 AAC 90.-
21 020, existing on or utilizing the land.

22 (b) A permit may be issued jointly by the commissioner of natural
23 resources and the commissioner of fish and game, allowing a domestic
24 animal to be on land specified under (a) of this section. A person shall
25 comply with the following conditions before a permit may be issued.

26 (1) the filing of an appropriate application no less than 120
27 days before the activity takes place to include, but not be limited to

28 (A) the need for the encroachment permit;

29 (B) the intended area for the activity applied for, to

1 the nearest one quarter section;

2 (C) the species and number of animals for which the per-
3 mit is needed;

4 (D) the length of time for which the permit is needed;

5 (2) the mailing of a copy of the permit application to the
6 area Department of Fish and Game biologist, if available, or the local
7 fish and game advisory committee, for the unit or subunit in which the
8 activity will take place, or the nearest regional office of the Depart-
9 ment of Fish and Game, if no area fish and game biologist is available.

10 (c) Upon receipt of the permit application, the Departments of
11 Fish and Game and Natural Resources, no less than 20 days before
12 approving or rejecting the permit, shall jointly

13 (1) upon reasonable notice, hold a public meeting on the
14 application in a central location within the area for which the appli-
15 cation has been submitted; and

16 (2) prepare an environmental analysis of the probable con-
17 sequences of the action.

18 (d) A permit issued under (b) of this section is limited to resi-
19 dents as defined in AS 38.40.090(1), except that a special permit may
20 be granted to a nonresident for purposes of ingress and egress to
21 private land that he owns if there is no other access.

22 (e) A permit issued under this section is nontransferable and is
23 valid for one year only.

24 (f) The Department of Fish and Game, with the concurrence of the
25 Department of Natural Resources, may adopt regulations necessary to
26 implement this section.

27 Sec. 03.33.020. VIOLATION. (a) A person who violates sec. 10 of
28 this chapter or a regulation adopted under it, upon conviction, is
29 guilty of a misdemeanor, and in addition, shall forfeit the domestic

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animals involved in a violation of the section and is liable to pay an amount equal to the sum of money required to restock injured land or water, to replenish a damaged or degraded resource, or to otherwise restore the environment of the state to its condition before the injury.

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