

HOUSE BILL NO. 248

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE FINKELSTEIN

Introduced: 3/22/93

Referred: State Affairs, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to predator control programs and hunting of predators."**

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

3 *** Section 1. AS 16.35 is amended by adding new sections to read:**

4 **Sec. 16.35.011. PREDATOR CONTROL PROGRAMS. (a) The Board of**
5 **Game may adopt by regulation a management plan authorizing the department to**
6 **conduct a predator control program in an area of the state, only after the department**

7 **(1) submits sufficient objective, scientific evidence that predators are**
8 **the primary long-term factor causing a wildlife emergency in an ungulate population**
9 **in the area;**

10 **(2) demonstrates that**

11 **(A) the ungulate population is threatened with elimination in the**
12 **area; or**

13 **(B) the ungulate population is at a population level that is**
14 **seriously depleted and that the area has been closed to taking of the ungulate**

1 population for nonsubsistence uses for at least the two preceding years;

2 (3) demonstrates that the predator control program will not significantly
3 and adversely affect the genetic diversity of the predator populations that are subjected
4 to control;

5 (4) presents to the board a plan, satisfactory to the board, for a predator
6 control program and other management programs that are reasonably expected to
7 return, within five years, the ungulate population to a population level that the board
8 determines appropriate; and

9 (5) has obtained from the appropriate federal agencies, before
10 submitting the plan for a predator control program to the board, assurance that the
11 proposed plan is consistent with the federal laws and policies applicable to federal land
12 affected by the proposed predator control program.

13 (b) If the board has adopted regulations authorizing a predator control program
14 under (a) of this section, the ungulate populations, for whose benefit the program was
15 adopted, may not be taken for nonsubsistence uses until the board has repealed the
16 regulations.

17 (c) The board shall annually review and reauthorize a predator control program
18 implemented under a management plan adopted by the board under (a) of this section.
19 The board may not reauthorize the department to conduct the predator control program,
20 unless the department demonstrates at the conclusion of each year that the ungulate
21 population has experienced an increase in the size of the population and survival of
22 young that is consistent with the management plan. If the board does not reauthorize
23 the predator control program within one year after the effective date of the
24 management plan adopted under (a) of this section or after the effective date of the last
25 reauthorization of the program, the authority of the department to conduct the predator
26 control program is suspended until the board reauthorizes the program. If the board
27 does not reauthorize a predator control program within one year after the authority to
28 conduct the program is suspended, the board shall adopt a new management plan under
29 (a) of this section before authorizing a predator control program for the area.

30 (d) A predator control program authorized by the board may provide for the
31 taking of predators from aircraft, through the use or assistance of aircraft, or through

1 the use of radio transmitters attached to a predator. Only employees of the department,
2 who are authorized by the commissioner and under the direct supervision of a biologist
3 employed by the department, may engage in activities that are authorized by the board
4 under this subsection.

5 (e) In this section, "wildlife emergency" means a decline in the population of
6 a game species that has resulted in a population level in an area that is significantly
7 below the historic population levels of the game species and significantly below the
8 present carrying capacity of the area when the population of the game species is
9 viewed as part of a naturally balanced ecosystem containing a natural population of
10 predators.

11 Sec. 16.35.021. TAKING OF CERTAIN PREDATORS. (a) A person may
12 not intentionally or knowingly take a predator while the person is airborne.

13 (b) A person may not intentionally or knowingly use, or attempt to
14 intentionally or knowingly use, an aircraft to assist in the taking of a predator. In this
15 subsection, "assist" means locate, herd, drive, concentrate, or chase predators or
16 otherwise directly assist a person in taking a predator.

17 (c) Unless the predator is caught in a lawful trap or snare, a person may not
18 intentionally or knowingly take a predator within three hours after being airborne.
19 This subsection does not apply if the person while airborne was on a flight that
20 terminated at an airport. In this subsection,

21 (1) "airport" means a state, federally, municipally, or village maintained
22 airport;

23 (2) "flight" includes that period between, and including, the take off of
24 an aircraft and the subsequent landing of the aircraft.

25 (d) A person may not intentionally or knowingly use a radio transmitter
26 attached to a predator to aid the person or another person in the taking of the predator
27 or another predator.

28 (e) This section does not apply to

29 (1) the taking of a predator that

30 (A) is reasonably believed to be rabid; or

31 (B) has attacked a person or domestic animal;

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(2) the taking of a predator by

(A) the use of drugs intended to tranquilize or immobilize a predator for scientific or management research approved by the state or federal government;

(B) a person authorized to engage in a predator control activity under AS 16.35.011(d), but only to the extent that the person is authorized to engage in the activity that is otherwise in violation of this section.

(f) In this section, "predator" means a wolf, wolverine, black bear, brown or grizzly bear, lynx, fox, or coyote.

(g) A person who violates a provision of this section is guilty of a class A misdemeanor.