

HB

876



Alaska State Legislature

House

HOUSE RESOURCES COMMITTEE

FISH & GAME ISSUES

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

HEARING NOTIFICATIONS

Re: Brown and Grizzly Bears

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
HB 876	4/5/80		Rep. Fuller Dept. of Fish and Game Alaska Professional Hunters Assoc., Randy Smith Mr Jack: O'Donnell, guide	4/10/80



Randy Smith

Notif. when #3876

ALASKA PROFESSIONAL HUNTERS ASSOC.

P O BOX 41992

ANCHORAGE, ALASKA 99507

344-4284

April 8, 1980

Action Taken by Game Board, Spring Meeting
1980

from Bob Hinman, ADF&G, Game Division

Unit 22

Resident

Sept. 1-Oct. 10
Apr. 25-May 25

One bear every four regulatory years, provided that the taking of cubs and sows accompanied by cubs is prohibited.

Nonresident

Sept. 1-Oct. 31
May 10-May 25

One bear every four regulatory years by drawing permit only, provided that the taking of cubs and sows accompanied by cubs is prohibited. 20 permits will be issued, 14 for the fall season and 6 for the spring season. See 5 AAC 81.055 and separate permit hunt supplement.

Unit 23

Resident

Sept. 1-Oct. 10
Apr. 25-May 25

One bear every four regulatory years, provided that the taking of cubs and females accompanied by cubs is prohibited.

Nonresident

Sept. 1-Oct. 31
May 10-May 25

One bear every four regulatory years by drawing permit only, provided that the taking of cubs or sows accompanied by cubs is prohibited. 25 permits will be issued, 17 permits for the fall season and 8 for the spring season. See 5 AAC 81.055 and separate permit hunt supplement.

No other changes in seasons
or bag limits in GMU 24, 25, or 26

No change:

PHH

- GMU 24: Permit by drawing in one portion; 40 permits; rest is open.
- GMU 26C, portion of 25: 48 permits, not more than 10 in the Arctic Nati'l. Wildlife Range; rest of 25 is open.
- GMU 26A: 24 permits by drawing. GMU 26B: 16 permits by drawing.

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or disciplinary action. No person licensed under this chapter may hire or work for a guide whose license is suspended or revoked under this section.

(e) If the board revokes a license it shall notify the Department of Revenue, and the person whose license has been revoked shall return the license to the Department of Commerce and Economic Development. (§ 1 ch 17 SLA 1973; am § 2 ch 43 SLA 1975; am § 5 ch 106 SLA 1976; am § 47 ch 218 SLA 1976)

Effect of amendments. — The 1975 amendment substituted "Department of Commerce" for "Department of Fish and Game" in subsection (e).

The first 1976 amendment inserted "or transporting" in subsection (d).

The second 1976 amendment substituted "Department of Commerce and Economic

Development" for "Department of Commerce" at the end of subsection (e).

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Sec. 08.54.210. Unlawful acts. (a) It is unlawful for

(1) a master guide, registered guide, class-A assistant guide, assistant guide or transporter to fail to timely report to the Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, violations by a client of a state fish, game or guiding statute or regulation;

(2) a master guide, registered guide, class-A assistant guide, assistant guide or transporter to aid the commission of a violation of this chapter or of AS 16.05 or a regulation promulgated under either chapter, or permit the commission of a violation in his sight without attempting to prevent it, short of using force, and without reporting it;

(3) a person to guide or transport as defined in this chapter without being licensed under this chapter and without having the license in his actual possession; however, for purposes of transporting by air, in the case of a corporation, company, partnership or other business entity, the license may remain at the principal place of business of the business entity;

(4) a person to advertise as or represent himself to be a licensed master guide, registered guide, class-A assistant guide, assistant guide or transporter without being currently licensed, or to falsely advertise services;

(5) a person to guide as defined in this chapter without having a current valid hunting and fishing license in his possession.

(6) a master or registered guide to employ or have under his supervision more than three assistant guides at the same time.

(7) a person to guide as defined in this chapter without paying a fee as prescribed in AS 16.05.340(e).

(b) A person who violates (a)(1) — (6) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both,

and may have a person within a period his of a felony and by im years. In a boats, air equipment transportir revocation chapter. A subject to — (6) of th than \$5,000 (§ 1 ch 17 1976; am §

Effect of amendment "Public Safety protection" of Game" in subsection (preceding "g "his license is for "of disci of," and inae second sente this chapter" substituted " during the revocation" of this chapter

The first 1 (a), subtit transporter" paragraphs (game" follo wildlife pro inserted "or of paragrap

Sec. 08. judgment engaged in or the reg appropriat board tha injunctive 1973; am

Effect of amendment

and may have his license revoked for a period up to five years. However, a person who engages in guiding or transporting activity during the period his license is suspended or revoked under this chapter is guilty of a felony punishable, upon conviction, by a fine of not more than \$5,000 and by imprisonment for not less than one year nor more than three years. In addition to punishment for a felony, all guns, fishing tackle, boats, aircraft, automobiles or other vehicles, camping gear and other equipment and paraphernalia used in, or in aid of, guiding or transporting activity engaged in during the period of suspension or revocation shall be confiscated by persons authorized to enforce this chapter. A person who violates (a)(7) of this section, upon conviction, is subject to the same license revocation provision as for a violation of (a)(1) — (6) of this section and, in addition, is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both. (§ 1 ch 17 SLA 1973; am §§ 3, 4 ch 43 SLA 1975; am § 6 ch 106 SLA 1976; am § 3 ch 133 SLA 1976; am §§ 5, 6 ch 268 SLA 1976)

Effect of amendments. — The 1975 amendment substituted "Department of Public Safety, division of fish and wildlife protection" for "Department of Fish and Game" in subsection (a)(1) and, in subsection (b), deleted "outfitting or" preceding "guiding activity," substituted "his license is suspended or revoked under" for "of disciplinary action under § 200(e) of," and inserted "upon conviction" in the second sentence, deleted "under § 200(e) of this chapter" following "for a felony," and substituted "guiding activity engaged in during the period of suspension or revocation" for "a violation of § 200(e) of this chapter" in the third sentence.

The first 1976 amendment, in subsection (a), substituted "assistant guide or transporter" for "or assistant guide" in paragraphs (1), (2) and (4), deleted "fish and game" following "division of fish and wildlife protection" in paragraph (1), inserted "or transport" near the beginning of paragraph (3). In subsection (b) the

amendment inserted "by" preceding "imprisonment" in the first sentence, and inserted "or transporting" in the second and third sentences.

The second 1976 amendment added paragraph (6) of subsection (a).

The third 1976 amendment added paragraph (7) of subsection (a), and in subsection (b), inserted "(a)(1) — (6) of" in the first sentence and added the fourth sentence.

While none of the 1976 amendments gave effect to the others, all have been given effect in this section as it is set out in this Supplement.

Editor's note. — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

Legislative committee report. — For report on ch. 268, SLA 1976 (FCCS HCS C5555B 335), see 1976 House Journal p. 910.

Sec. 08.54.220. Injunction against unlawful action. When in the judgment of the board a person or corporation or other entity has engaged in an act in violation of § 130 and §§ 200 — 210 of this chapter or the regulations promulgated under them, the board may apply to the appropriate court for an order enjoining the act. Upon a showing by the board that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond. (§ 1 ch 17 SLA 1973; am § 5 ch 43 SLA 1975)

Effect of amendment. — The 1975 amendment substituted "§ 130 and §§ 200 — 210" for "§ 100 — 200" and "them" for "§ 50 of this chapter" in the first sentence.

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(20) Unit 20, Fairbanks-Central Tanana: that area drained by the Tanana River and its tributaries north of Unit 13 and downstream from the boundary of Unit 12 to the confluence of the Tanana and Yukon Rivers and the tributaries draining into the south bank of the Yukon River from its confluence with the Tanana River to the Alaska-Canada boundary, including the Alaska drainage of the Ladue and Fortymile Rivers

(A) Subunit 20(A) - that portion of Unit 20 bounded on the east by the Delta River from the boundary of Unit 13 to the Tanana River; bounded on the north by the north bank of the Tanana River from the confluence of the Delta River downstream to the confluence of the Totatlanika River; bounded on the west by the Totatlanika River from its confluence with the Tanana River upstream to Dexter Creek, then up the East Fork of Dexter Creek to its source, then south along the divide between the Healy River and Wood River drainages along the west bank of Dean Creek to the south bank of the Yanert River, then downstream along the south bank of the Yanert River to Moose Creek, then up the east bank of Moose Creek and the East Fork of Moose Creek to the boundary of Unit 13;

(B) Subunit 20(B) - that portion of Unit 20 draining into the north side of the Tanana River between the Little Salcha River and the Tolovana River; the area represented includes the north drainages of the Little Salcha River, the entire drainages of the Chena and Chatanika Rivers, including Washington Creek and the Tatalina River, and the south drainages of the Tolovana River from its confluence with the Chatanika River to the Tanana River;

(C) Subunit 20(C) - that portion of Unit 20 not described as Subunit 20(A), 20(B), 20(D) or 20(E);

(D) Subunit 20(D) - that portion of Unit 20 draining into the south side of the Tanana River from the Delta River to the Unit 12 boundary;

(E) Subunit 20(E) - that portion of Unit 20 draining into the south bank of the Yukon

River upstream from and including the Charley River drainage and including the Ladue River drainage within Alaska.

(21) Unit 21, Middle Yukon: that area draining into the Yukon River from the Paimiut-Kalskag portage upstream to but not including the Tozitna River drainage on the north side of the Yukon River and up to but not including the Tanana River drainage on the south side of the Yukon River; the Koyukuk River upstream to and including the Dubli River drainage;

(22) Unit 22, Nome: that part of the Seward Peninsula and adjacent mainland drained by all streams flowing into Kotzebue Sound, Bering Strait, and Norton Sound from but not including the Goodhope River drainage on the north, to but not including the Pastolik River drainage on the south; King, Little Diomede, St. Lawrence, Sledge, Stuart, and adjacent islands;

(23) Unit 23, Kotzebue Sound: that area drained by all streams flowing into the Arctic Ocean and Kotzebue Sound from Cape Lisburne on the north to and including the drainage into the Goodhope River on the south;

(24) Unit 24, Koyukuk: that area drained by the Koyukuk River and its tributaries upstream from but not including the Dubli River drainage;

(25) Unit 25, Fort Yukon: that area draining into the north bank of the Yukon River, including islands in the Yukon River, upstream from and including the Tozitna River drainage to the Alaska-Canada boundary;

(26) Unit 26, Arctic Slope: that area drained by all streams and rivers flowing into the Arctic Ocean between Cape Lisburne and the Alaska-Canada boundary; and the Firth River drainage lying within Alaska

(A) Subunit 26(A) - that portion of Unit 26 lying west of the west banks of the Colville and Anaktuvuk Rivers from the Arctic Ocean to Anaktuvuk Pass.

(B) Subunit 26(B) - that portion of Unit 26 lying east of Subunit 26(A) and west of the west banks of the Canning River and Marsh Fork of the Canning River between the Arctic Ocean and Carter Pass.

(C) Subunit 26(C) – that portion of Unit 26 lying east of Subunit 26(B).

Authority: AS 16.05.255(1),(2) and (7)

5 AAC 90.020. DEFINITIONS. In chs. 81 through 90 of this title

(1) "airport" means an Alaska airport listed in the Federal Aviation Agency Alaska Airman's Guide and chart supplement;

(2) "bag limit" means the greatest number of game species permitted to be taken by any one person in the unit or portion of a unit in which the taking occurs; however, additional numbers of a species may be taken in another designated open unit or portion of a unit where a greater limit on that species is prescribed; in no case may the total or cumulative bag for one person exceed the limit set for the unit or portion of a unit in which the additional game was taken;

(3) "big game animals" includes black bear, brown and grizzly bear, polar bear, bison, caribou, Sitka blacktail deer, elk, mountain goat, moose, muskoxen, mountain or Dall sheep, wolf and wolverine;

(4) "camp" means a structure erected for the purpose of providing overnight shelter, and equipped with bedding and eating facilities for occupants;

(5) "closed season" means the time during which game may not be taken;

(6) repealed (7/2/75, Reg. 54).

(7) "cub bear" means a brown, grizzly or polar bear in its first or second year of life, or a black bear (including the cinnamon and blue color phases) in its first year of life,

(8) "fur animals" includes beaver, coyote, arctic fox, red fox, lynx, marten, mink and weasel, muskrat, land otter, sea otter, raccoon, red squirrel, flying squirrel, ground squirrel and marmot, wolf and wolverine, excepting domestically raised fur animals,

(9) "highway" means the driveable surface of any constructed road;

(10) repealed (7/2/75, Reg. 54).

(11) "motorized vehicle" means a motor-driven land, water or air conveyance;

(12) "open season" means the time during which game may lawfully be taken; each period of time prescribed as an open season includes the first and last days of the period prescribed;

(13) "poison" means any substance which is toxic or poisonous upon contact or ingestion;

(14) "raw ivory" means a walrus tusk (upper canine tooth) which has not been endowed with functional, cultural or aesthetic qualities by altering its natural form or surface through carving, drilling, cutting, filing, or engraving; raw ivory is not altered, in the connotation of this definition, by surface polishing or for a head mount; the latter consisting of ivory (tusks) in a skull or part of a skull;

(15) "regulatory year" means July 1 to June 30, inclusive;

(16) "seal pup" means a seal that weighs less than 50 pounds;

(17) "second degree of kindred" means the relatives who are parents, grandparents, children, grandchildren and sisters or brothers of the person acting as a guide;

(18) "small game" means all species of grouse, hares, rabbits, ptarmigan and waterfowl, and Wilson or jacksnipe;

(19) "three-quarter curl horn" means the horn of a mature mountain sheep, the tip of which has grown through three-quarters of a circle (270°) described by the outer surface of the horn, as viewed from the side.

(20) "transport" means shipping, carrying, importing, exporting, or receiving or delivering for shipment, carriage or export.

(21) "unclassified game" means all species of game not otherwise classified in these definitions,

(22) repealed (7/2/75, Reg. 54);

(23) "unit" means one of the 26 geographical areas listed under game management units in the



HB 876

Jack O' Donnell

Registered Guide
P.O. Box 394
Petersburg, Alaska 99833
(907) 772-4805

Feb. 15, 1980



Representative Al Osterback
House of Representatives
Juneau, Alaska
99811

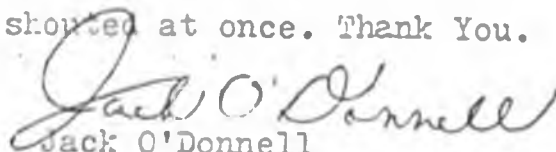
Dear Mr. Osterback,

I have just attended a meeting of the Guide Licensing and Control Board in Juneau on Feb, 13 concerning possible additional curtailment of Guiding activities due to the apparent decline of our Brown Bear population in S.E. Alaska. The actual Bear hunting season on Admiralty Island has now been shortened to 20 days for all practical purposes for spring hunting with the remaining area also shortened to about the same practical hunting time in spring and also curtailed sharply in fall. It would appear that only eliminating the guide business entirely or limiting the business to a small percentage of the existing guides, with a small quota divided proportionately, is about all that is really left for additional curtailment. Historically there has been about 60-80 Brown bear taken each year for the past 25 years in S.E. Alaska and this figure is the optimum amount the Dept. of Fish and Game feels can be harvested annually without depleting the Bear population to a dangerous level. The Dept. of Fish and Game would like to hold the level of Brown bear kill at no more than 60 Bear annually with a fifty fifty percentage of the take distributed between guided hunts (non resident) and resident hunters.

Each season it becomes apparent more and more new residents are actively participating in the Bear hunting season to acquire a bear trophy. Until 1977 it cost a resident nothing to take a Brown bear tag and since then it costs only \$25.00 for a resident, \$250.00 for a non resident. There was general agreement among those present at the meeting that our Bear are being given to the public rather cheaply. If one can afford to spend several hundred dollars to have a trophy prepared by a taxidermist surely a Brown bear tag costing \$100 for a resident hunter and a similar increase to \$500 or more for a non-resident hunter is not too severe. This also will deter we feel the rapidly snowballing amount of resident hunters who each season participate more and more throughout the area. It also will possibly change the image of taking a Brown bear trophy even by a resident hunter to a respectable challenge of sportsmanship, and a privilege.

...realized that our game in Alaska is not a never ending source of cheap hunting pleasure. Everyone knows that raising the cost of game tags is not a popular idea with one's constituents but it certainly is a much better alternative to limiting hunts than a permit system or drawing.

Marc Jensen, Chairman of the Guide Licensing and Control Board advised the guides present at their meeting to meet as a group with you when it might be convenient for you to give us an audience. However, as you know it costs almost an arm and a leg to remain each additional day in Juneau for each of us and nearly all guides were off and away to their respective towns when the meeting adjourned after public testimony except one or two local Juneau guides. I am hopeful my letter and possibly others from other guides would carry as much weight as would our interrupting your busy schedule to give us an audience where we all shouted at once. Thank You.


Jack O'Donnell
Box 394
Petersburg, Alaska 99833

(9)

COMMITTEE REPORT

HOUSE

2/18/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on RESOURCES has had HB 876
"An Act relating to the taking of brown and grizzly bears."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

7291

ALASKA STATE LEGISLATURE

11th Legislature 2nd Session

HOUSE BILL NO. 876

By FULLER, ANDERSON, BEIRNE, BETTISWORTH, BRANSON, CARNEY, LUNCAN, HALFORD, HAYES, MCKINNON, MEEKINS, METCALFE, MILLER, MOSS, MUNSON, OSTERBACK, PARKER, RANDOLPH, ROGERS, SCHAEFFER, SMITH AND GARDINER

"An Act relating to the taking of brown and grizzly bears."

Taking brown & grizzly bears

Introduced in the House 2/10, 19 80

HISTORY IN THE HOUSE

19 80
Feb. 18

Read first time and referred to Committee on Resources

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19
Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19
Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

by Governor

Filed with Governor

Chapter No

BILL ANALYSIS

ASSIGNMENT DATE _____
UNASSIGNED _____

DEPARTMENT		SPONSOR (PRINCIPAL)		BILL NO.	
Public Safety				HB 876	
DEPARTMENT POSITION					
Neutral					
DIVISION DIRECTOR		DATE	COMMISSIONER		DATE
Col. Woldstad		4/3/80	William Nix <i>WJH</i>		4/3/80
GOVERNOR'S OFFICE USE					
<input type="checkbox"/> POSITION NOTED		<input type="checkbox"/> POSITION APPROVED		<input type="checkbox"/> POSITION DISAPPROVED	
BY:		DATE:			
SUMMARY					
(1) RELATED BILLS (SIMILAR OR CONFLICTING)					
(2) OTHER AGENCIES AFFECTED BY BILL					
(2) a. ORGANIZATIONAL SUPPORT FOR BILL			(2) b. ORGANIZATIONAL OPPOSITION TO BILL		
(3) PROGRAM EFFECTS OF BILL					
<p>This will be a difficult law to enforce and it will not necessarily reduce the number of bears taken in units 22, 23, 24, & 26. These can easily be claimed from surrounding units bordering these areas. An established guide can easily employ several registered guides and cover their hunts as separate guide operations. The bear sealing certificates are the only records available presently that indicate the name of the guide who assisted in taking a brown bear. A guide's name may not appear on the sealing certificate if his client was a resident. This could stimulate an increase in the number of bears illegally shipped from the state without being sealed.</p>					
(4) FISCAL IMPACT		<input checked="" type="checkbox"/> NONE		<input type="checkbox"/> FISCAL ANALYSIS ATTACHED	
(5) AMENDMENTS PROPOSED:					
AS 08.54.210(b) recommends a change in line 29 to read "shall be forfeited by the court..." instead of "shall be confiscated..." This provides some meaning and force to the penalty.					
(6) COMMENTS					

The intent could be improved by making a more specific statement regarding prohibited behavior so as to limit guilt to those directly involved.