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STATE OF ALASKA THE LEGISLATURE

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JUNEAU, ALASKA 99811
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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	1/21/86	8:30 AM
" "	3/6/86	1:30 PM

HOUSE
COMMITTEE REPORT

(7)
Date referred: 2/12/86

FURTHER REFERRALS: FINANCE

DATE: _____

The JUDICIARY Committee has considered SSHB 467

"An Act relating to herding of fish."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS SSHB 467 (JUD) same title
 new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Chairman

Original sponsor: Goll

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 467 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the herding of fish."

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

8 * Section 1. AS 16.10 is amended by adding a new section to read:

9 Sec. 16.10.135. HERDING FISH BY AIRCRAFT. (a) A person may not
10 intentionally drive or herd fish by aircraft.

11 (b) A person who violates this section is guilty of a class B
12 misdemeanor.

13 (c) Aircraft and equipment used in or in aid of a violation of
14 this section may be seized and disposed of under AS 16.05.190.

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DEPARTMENT OF PUBLIC SAFETY

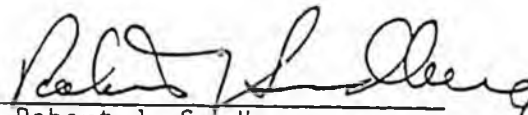
POSITION PAPER - CS SSHB 467 (FISH)

NEUTRAL

HB 467 - "An Act relating to the herding of fish."

The Division of Fish & Wildlife Protection is neutral on this bill. It would be difficult, in many cases, to obtain sufficient evidence to prove the elements of the crime that an aircraft did in fact drive or herd fish. The Division of Fish & Wildlife Protection would pursue the most obvious cases where sufficient evidence and witnesses are available to prove the elements of the crime. In conjunction with the Department of Law, marginal cases, lacking sufficient evidence to prove the elements of herding or driving fish by aircraft will not be prosecuted.

This bill does not specifically address safety. However, with the high number of aircraft presently being used as fish spotters, any measures that will decrease hazardous flying conditions and increase the safety margins for all participants is a positive approach.


Robert J. Sundberg
Commissioner, Public Safety

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 1/20/86

REQUEST

Bill/Resolution No.: CSSHB 467 (FISH)
 Title: Relating to the herding
of fish.
 Sponsor: Gell
 Requestor: H. Resources
 Date of Request: 1/24/86

FISCAL DETAIL

Agency Affected: Dept. of Public Safety
 Program Category Affected: Fish & Wildlife Protection
 BRU, Program or Subprogram(s) Affected: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: Attach a separate page if necessary

Prepared By: J. R. Nutgrass Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 1/26/86
 Approved by Commissioner: [Signature] Date: 1/27/86
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

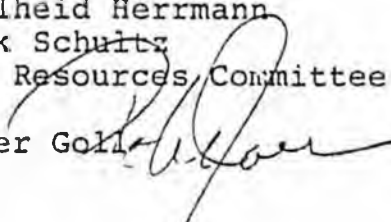
Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

M E M O R A N D U M

February 8, 1986

TO: Representative Adelheid Herrmann
Representative Dick Schuitz
Co-chairmen, House Resources Committee

FROM: Representative Peter Goll 

SUBJECT: SSHB 467

Sponsor Substitute for House Bill 467 is designed to clarify state policy regarding the use of aircraft in fishing operations.

It prohibits the use of aircraft to herd fish. The legislation was drafted at the request of commercial fishermen for statutory language to prevent what they consider to be a dangerous and unfair use of aircraft in fishing operations.

Allegations that a helicopter was successfully used to drive herring from shallow waters into a waiting seine last year and numerous questions to the Fisheries Committee as to the state of the law necessitated this bill to clarify the rights of pilots prior to the 1986 fishing season.

The Alaska Department of Fish and Game strongly supported the bill during testimony before the House Special Committee on Fisheries. A Department spokesman said fisheries managers are concerned that widespread use of aircraft in this manner could increase the fishing power of vessels to the point where they would be concerned about opening some fisheries.

This legislation was thoroughly discussed and strongly endorsed by the UFA's member organizations at their recent annual meeting.

Present law does not provide the state with the necessary legal tools to halt the herding of fish by aircraft. The language is patterned after a regulation prohibiting the use of aircraft to herd or drive wildlife. This regulation has been successfully used several times, the most recent conviction coming in a case where a big game guide used an airplane to drive brown bear toward his clients.

SSHB467

February 8, 1986

Page Two

One issue raised during hearings on the legislation is whether the state has the proper jurisdiction to enforce the restrictions. I posed that question to the Alaska headquarters of the Federal Aviation Administration, and was advised that the state has the proper authority. As examples, the FAA cited regulations relating to the herding of game, aerial wolf hunts and airborne hunting.

I respectfully request that you consider the attached letter of intent for the legislation. The purpose of the letter is to clarify that the legislation is not intended to restrict the use of spotter planes in any commercial fishery.

LETTER OF INTENT FOR HOUSE BILL 467

House Bill 467 is intended to prohibit the herding of fish by aircraft. It is not the intent of the legislature to otherwise restrict the legal uses of aircraft for spotting schools of fish in conjunction with commercial fishing operations.



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

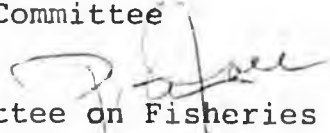
Phone:
(907) 465-4924

MEMORANDUM

January 30, 1986

TO: Representative Mike Miller
Chairman, House Judiciary Committee

Representative Adelheid Herrmann
Co-Chairman, House Resources Committee

FROM: Representative Peter Goll 
Chairman, House Special Committee on Fisheries

SUBJECT: SSHB 467 (An Act relating to the herding of fish)

During hearings by the Special Committee on Fisheries on SSHB 467, two points were raised regarding the penalties proposed in this legislation. It was decided that these matters would be the most appropriately addressed by the Judiciary Committee.

Specifically, Representative Mike Navarre suggested that the \$1,000 fine allowed under the legislation may not provide a significant enough deterrent when such fishing operations might allow a fishermen to catch \$400,000 worth of fish in a single set of a seine. Representative Navarre said he would like to have the deterrent effect of higher fines examined more closely.

A second issue the Fisheries Committee decided to ask the Judiciary Committee to examine is whether specific language should be added to the legislation regarding confiscation of aircraft used in such violations.

I appreciate your consideration of these two issues.



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

M E M O R A N D U M

January 18, 1986

TO: Members
House Special Committee on Fisheries

FROM: Representative Peter Goll *Peter Goll*
Chairman

SUBJECT: SSHB 467

The first meeting this session of the House Special Committee on Fisheries will take place at 8:30 a.m. Tuesday, January, 21, 1986, in Room 17 of the Capitol Building. Up for consideration will be SSHB 467, An Act relating to the herding of fish.

This legislation is designed to prevent the use of aircraft in the herding of fish into commercial fishing gear. I drafted the legislation at the request of commercial fishermen who wished to halt what they considered to be a dangerous and unfair use of aircraft in fishing operations.

This concern was raised when a helicopter was successfully used to drive herring from shallow waters into a waiting seine during the Sitka herring fishery last spring. The estimated value of helicopter-aided haul of herring was \$400,000.

The fishermen who approached me contend the practice not only represented an unfair use of aircraft but endangered other vessels crowded into an extremely small fishing area. The Department of Fish and Game and Division of Fish and Wildlife Protection have voiced concern about the practice becoming more widespread.

As the attached correspondence from the Departments of Law and Fish and Game reveal, present law does not provide the state with the necessary legal tools to halt the herding of fish by aircraft. After discussing the matter with the Department of Law, I introduced the sponsor substitute to shift the focus of enforcement from the fisherman to the pilot.

House Bill 467
January 18, 1986
Page Two

The sponsor substitute is patterned after a regulation prohibiting the use of aircraft to herd or drive wildlife. This regulation has been successfully used several times, the most recent conviction coming in a case where a big game guide used an airplane to drive brown bear toward his clients.

Some attorneys in the Department of Law believe the actions of an aircraft in driving fish toward a fishing net will be easier to prove than the mental state of a fisherman.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 907 / 465-4100

June 11, 1985

The Honorable Peter Goll
Alaska State House
P. O. Box 581
Haines, AK 99827

JUN 14 1985

Dear Representative Goll:

Thank you for your letter of May 28 regarding use of aircraft in fishing. We will be available to assist you in developing the recommendations, although, quite frankly, I am not sure what the "solution" will be.

The first decision point is: what are the problems and what needs to be done about it. The use of aircraft has its advantages and disadvantages. In some locations, for example, the Togiak herring fishery, the use of spotters makes the fishery operate efficiently. On the flip side, driving herring with a helicopter in a very fast-paced fishery, like Sitka herring, can cause management problems. These two factors will most likely have to be considered in any piece of legislation which is drafted. Also, in some cases, restricted use of aircraft could have allocative overtones, i.e., big boat vs. small boat, local vs. nonlocal, and seine vs. gill net. The department will have to be careful to not appear to favor one side over the other as we assist you and then testify before the various legislative committees.

An equally difficult task is going to be the forging of something that is enforceable. The major problem the Board of Fisheries has had with requests to restrict the use of aircraft is that its authorities are limited in the field. I expect the Legislature will have the same problem. While both bodies can restrict the use of aircraft in fishing operations, the state cannot control the airspace; only the federal government has the authority. So, what happens is a situation where if restrictions are in place, the pilot and fishermen can avoid citation by saying the aircraft was used for supplies or navigation, and the state must prove otherwise. This is the experience we had when spotter aircraft were prohibited in the Kodiak herring fishery.

The Honorable
Peter Goll

-2-

June 11, 1985

My staff will be glad to contribute our past experience regarding regulations relative to the use of aircraft in fishing operations to your drafting process. I will ask Bob Clasby to work directly with Rodger Painter on this.

Sincerely,



Don W. Collinsworth
Commissioner

cc: Bob Clasby
Rodger Painter
Larri Spengler

MEMORANDUM

State of Alaska

TO: Steven Pennoyer
Deputy Commissioner
Dept. of Fish & Game

DATE: May 29, 1985

FILE NO:

Norman C. Gorsuch
Attorney General

TELEPHONE NO: 465-3600

FROM: By: Larri Irene Spengler ^{PL}
Assistant Attorney General
Department of Law

SUBJECT: helicopter herring
herding

Attached is a copy of a letter I recently prepared in response to questions from Representative Ben Grussendorf on the herding of herring by helicopter. It sounds as though he and Representative Goll are concerned about the same episode. As you can see, I agree with your analysis, and have added more information, in response to the specific questions put by Representative Grussendorf.

LIS:dlu

Attachment

cc w/attachment: Representative Peter Goll ✓
Ken Parker, ADF&G

SILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (507) 276-3550

NATIONAL CENTER
100 CUSHMAN ST
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99911
PHONE: (907) 465-3600

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

May 29, 1985

The Honorable Ben Grussendorf
Speaker of the House
P.O. Box 928
Sitka, Alaska 99335

Re: helicopter herring herding

Dear Representative Grussendorf:

You have asked several questions based on an incident which apparently occurred during the Sitka herring sac roe fishery in April, involving the herding of herring by a helicopter. The activity as you described it involved a helicopter hovering near the beach a few feet above the water, frightening the herring away from the aircraft. This is probably not illegal under current statutes and regulations. It is fairly clear that the helicopter would be exempt from vessel licensing requirements, since vessel is defined in AS 16.05.940(27) as a floating craft. However, the pilot of the helicopter would probably have to have a commercial fishing license, since commercial fisherman is defined in AS 16.05.940(4) as individuals who participate directly or indirectly in the taking of fish.

The activity you described probably does not constitute waste of herring, which would be prohibited by AS 16.10.173. That statute defines waste as the failure to use the flesh of commercially-taken herring for certain specified purposes, which does not seem on its face to apply. In any event, there would be a factual question. Further, the prohibition on wanton waste in AS 16.30.010 applies only to specified game animals.

The Board of Fisheries technically has the authority to prohibit the use of helicopters or aircraft in fishing, under the general regulatory powers set out in AS 16.05.251(a). However, it has been the experience of the Department of Public Safety, Division of Fish and Wildlife Protection, in the past that such prohibitions are very hard to enforce, if not virtually impossible. The board does not have the authority to prohibit helicopters or airplanes from flying at certain heights or speeds, nor from entering certain areas. That authority is preempted by the

Hon. Ben F. Grussendorf
Speaker of the House

May 29, 1965
Page 2

federal government through the FAA. Therefore, if helicopters or airplanes are present above an area where fishing is going on, it is necessary to prove that the helicopter or airplane was participating in the fishing, in association with a vessel or set of gear below. It might be helpful for you to contact the Division of Fish and Wildlife Protection about the enforcement problems.

Of course, putting aside the enforcement problems, any individual may submit a regulatory proposal to the Board of Fisheries under 5 AAC 96.610. Interested people could contact the Department of Fish and Game, Division of Boards, 465-4110, about the time frame for submitting such proposals. Of course, simply because a proposal is submitted does not mean the board will automatically adopt it in regulation, since the board must weigh all factors, including enforceability.

If you have any further questions, please give me a call.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: *LS/*
Larri Irene Spengler
Assistant Attorney General

LIS:dln

cc: Elizabeth A. Stewart
Director
Division of Boards
Department of Fish & Game

Captain Jack Jordan
Division of Fish & Wildlife Protection
Department of Public Safety

MEMORANDUM

State of Alaska

TO: Larri I. Spengler
Assistant Attorney General
Department of Law

DATE: May 22, 1985

FILE NO:

TELEPHONE NO: 465-4100

FROM: Steven Pennoyer *S Pennoyer*
Deputy Commissioner
Department of Fish and Game

SUBJECT: Commercial
Fishing--Aircraft

Representative Goll sent two of his constituents over to talk to us about an incident that occurred during the 1985 Sitka Sound herring sac-roe fishery. The two, who are participants in that fishery, observed a helicopter being used to herd herring into a seine. They felt that type of activity was illegal, and that both the aircraft and the pilot should be licensed. We told them that as far as we could determine, there are no laws that prohibit the harassing of fish or the use of aircraft to take fish. It did seem clear that AS 16.05.940(27) would exempt such aircraft from the vessel licensing requirements, and that since the pilot's activities were a direct participation in the taking of fish, he would have to have a Commercial Fisheries Entry Commission permit or a crew member's license.

Representative Goll requested that if we determined that the helicopter's activities were not prohibited by law, we would ask you for your determination. If you agree with us, I think Representative Goll will plan on introducing some type of legislation to prohibit or restrict the activity.

cc: The Honorable Peter Goll
Ken Parker

commodity bidding business." In other words, a crab stick is a crab stick is a crab stick.

While some experts claim "the end of the boom is nowhere in sight" and suggest that the market could hit a billion pounds by 1990, Berelson offers a more sobering vision. "Once the novelty wears off," he said, "the consumer will be disenchanted if quality slips. People have too many options today, and low quality gets lost in the backwater."

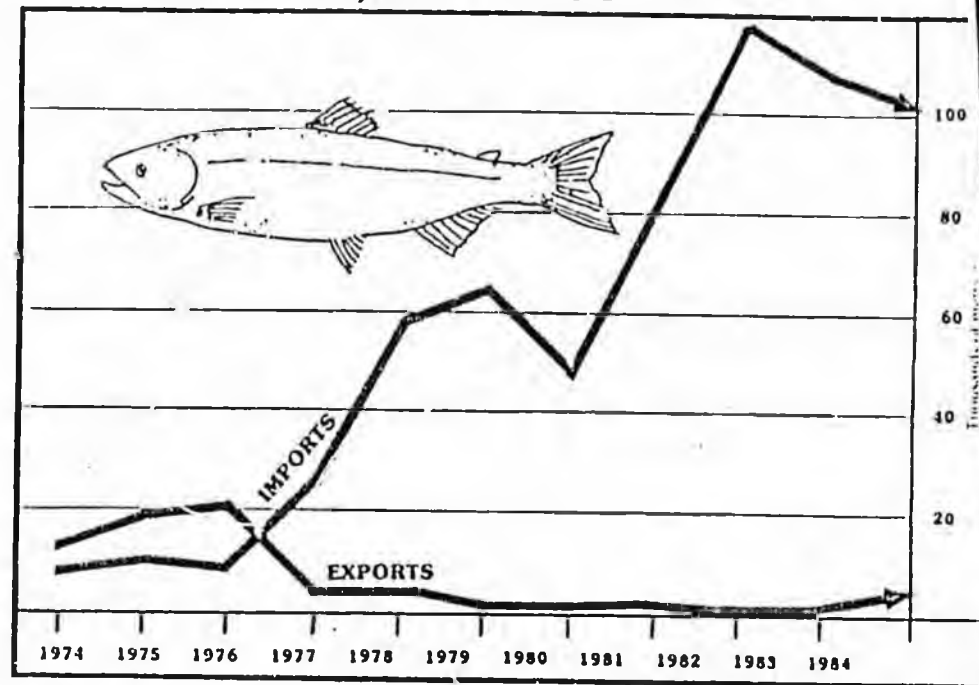
Hopefully, Berelson's boom and doom scenario is premature, but it'll be up to the industry to see that quality and value stay high. Seafood analogs don't have to go the way of the fish stick.

Fish sticks don't even have to go the way of the fish stick, judging from the new products in John Oaksmith's freezer case at Fisherman's Terminal. How about minced pollock nuggets or reformed pollock fillets from the 'Arctic Trawler?' Solves the problem of portioning small fillets and you'd be surprised how they hang together. Breaded or not, here they come. Good, too!

If you've got a helicopter, here's a tip for next year: Sitka herring. One enterprising skipper reportedly nailed 400 tons by stretching his net across the mouth of a bay filled with herring and seiners trying to catch them. When the herring saw the helicopter hovering overhead like a giant eagle, they split for deep water, right into the waiting purse seine. Now who would ever have thought of that?

Speaking of herring, you already know the Southeast prices, \$1000 a ton for seine and \$1350 for gillnet. Beats the pants off of last year, and bodes well for the next herring stops. No doubt you'll know the halibut price by the time the issue hits the streets. At press time all we know is that last year's cold storage fish have been spoken for and everyone's waiting for

JAPAN SALMON IMPORTS AND EXPORTS, 1974-1984 (PRODUCT WEIGHT)



Prior to passage of the Magnuson Act, Japan caught 65% of its salmon on the high seas and exported more than it imported. Since then imports have grown steadily along with demand, and by 1983 the high seas catch represented only 15% of the total supply.

the fresh again. Prices should start high for them and drop like a rock when the rest hits the wharf.

U.S. Customs law requires that some species, including rockfish, taken by a Canadian vessel must be caught within their territorial waters (12-miles) if direct delivery is made to U.S. ports. Under the provisions of the IPHC, however, a Canadian fisherman is allowed to deliver halibut directly to ports in the United States. "As far as we know he does

GENERAL PROVISIONS

5 AAC 39.175. USE OF LIGHTS PROHIBITED. It is unlawful to use artificial lights to attract salmon out of closed waters for the purpose of a commercial taking.

Authority: AS 16.05.251(a)(4),(7),(8)

5 AAC 39.180. TIME LIMIT FOR PRESERVATION OF SALMON. It is unlawful to preserve for sale as food any salmon, unless it has been canned, salted, iced, frozen, brine chilled, smoked or dried within 48 hours after being killed.

Authority: AS 16.05.250(3)

5 AAC 39.185. POLICY ON CLOSURES DUE TO ILLEGAL FISHING. (a) Some fisheries have had a documented history of illegal commercial fishing dating back to 1968. Enforcement efforts by the Department of Public Safety have been largely ineffective in controlling this recurring problem on a long-term basis. The Board recognizes the difficulty of enforcement in some areas of the state, and, although the current regulations are sufficient to protect fish stocks, they may be ineffective due to special enforcement problems.

(b) In the interest of the conservation of valuable renewable fish resources, the Board of Fisheries directs the commissioner, or his authorized designee, to take the following actions given the specified circumstances. If illegal fishing activities develop to the point that regulations pertaining to protection of fish stocks become ineffective, the commissioner shall consider closing the affected fishery by emergency order for a period of up to one week. When the fishery reopens and illegal fishing continues to be a problem, the appropriate fishery may be closed for an additional period of time. Continued violations may result in additional closures of the fishery.

Authority: AS 16.05.060
AS 16.05.251(a)(2) and (7)

5 AAC 39.190. DRIVING SALMON PROHIBITED. It is unlawful to drive or attempt to drive salmon from waters closed to salmon fishing.

Authority: AS 16.05.251(7) and (8)
AS 16.10.010

5 AAC 39.195. ANNOUNCEMENT OF EMERGENCY ORDERS. Announcement of emergency orders will be publicized and made known to interested persons, fishermen, buyers, packers and canneries by one or more of the following means if possible:

- (1) radio transmission by department stations;
- (2) notice posted at canneries and public places;
- (3) press releases and announcements in local newspapers and commercial radio stations;
- (4) telegrams and commercial radio facilities.

Authority: AS 16.05.060

5 AAC 39.197. UNLAWFUL POSSESSION OF FISH. No person may possess, purchase, sell, barter or transport fish within the state or within waters subject to the jurisdiction of the state if that person knows or has reason to know that the fish were taken or possessed in contravention of chs. 3-39 of this title.

Authority: AS 16.05.251(a)(10)

GENERAL PROVISIONS

5 AAC 39.198. FOREIGN FISH PROCESSING PERMITS. (a) Except as provided in this chapter, a foreign fishing vessel is prohibited from engaging in fish processing in the internal waters of Alaska.

(b) A foreign fishing vessel may engage in fish processing in the internal waters of Alaska if

(1) the foreign nation under which it is flagged will be a party to an agreement or a treaty, as required by 16 U.S.C. § 1855(c), and during the time the vessel will engage in the fish processing;

(2) the owner or operator of the foreign fishing vessel, or a person representing the owner or operator, applies to the governor for, and is granted, a foreign processing permit for the vessel to engage in fish processing in the internal waters of Alaska.

(c) The governor will not grant a permit under (b)(2) of this section if he determines that fish processors in Alaska have adequate capacity, and will use that capacity to process all of the United States harvested fish from the fishery concerned that are landed in Alaska.

(d) In determining whether or not fish processors in Alaska have adequate capacity, and will use that capacity, to process all of the United States harvested fish from the fishery, the governor will, in his discretion, consider the following factors:

(1) the total allowable catch expected in the fishery;

(2) availability and capability of harvesting vessels in Alaska, seasonal fish and processing schedules, and marketing and other similar conditions in the fishery concerned and in alternative fisheries;

(3) availability of labor, adequacy and condition of processing machine freezers, and cold storage facilities of fish processors in Alaska, and the ability, intent and plans of those processors to process particular species;

(4) economic considerations, including contracts, agreements, and negotiations for the purchase of United States harvested fish by processors in Alaska;

(5) geographical considerations including proximity of harvest areas to processing facilities of fish processors in Alaska; and

(6) the extent to which fish processors in Alaska have processed particular species.

(e) An owner or operator of a foreign fishing vessel who submits an application for a permit to engage in fish processing in the internal waters of Alaska must

(1) state the reasons why fish processors in Alaska do not have adequate capacity, or will not use their capacity, to process all of the United States harvested fish from the fishery concerned that are landed;

(2) provide the following information

(A) vessel description and identification;

(B) names and descriptions of the vessels, if known, from which the applicant will purchase fish;

- 110. Unclassified game
- 115. Waterfowl, snipe, and cranes
- 120. (Repealed)
- 125. Control of predation by wolves
- 126. Wolf predation control programs

5 AAC 81.070. BIG GAME. Repealed 4/5/81.

5 AAC 81.072. GENERAL GAME PROVISIONS. The following methods and means of taking game are prohibited:

(1) by shooting from, on, or across a highway;

(2) with the use of poisons except with the written consent of the Board of Game;

(3) with the use of helicopter or rotorcraft in any manner, including transportation either to or from the field of any unprocessed game or parts of game, hunters or hunting gear, or any equipment used in the pursuit or retrieval of game; this paragraph does not apply to transportation of hunters, hunting gear, or game during emergency rescue operations in a life-threatening situation;

(4) unless otherwise provided in this chapter, from any mechanical vehicle or from a motor-driven boat unless the motor has been completely shut off and the boat's progress from the motor's power has ceased; however, a motor-driven boat underway may be used in taking wolves and coyotes in all units, and in taking caribou in Unit 23;

(5) with use of an aircraft, snowmachine, motor-driven boat, or other motorized vehicle for the purpose of driving, herding, or molesting game;

(6) with the use or aid of a machine gun, set gun, or a shotgun larger than 10 gauge;

6/30/81, Reg. 76; am 7/17/82, Reg. 83; 6/30/83, Reg. 86; am 6/30/84, Reg. 90)

Authority: AS 16.05.2

Editor's Note: The text of 5 AAC 81.072 is based on 5 AAC 81.120 which was in effect before 1980.

5 AAC 81.075. BIG GAME. (a) The following methods and means of taking big game are prohibited, in addition to the prohibitions listed 5 AAC 81.072:

(1) with the aid or use of a dog, except the dogs may be used to hunt black bear under the terms of a permit issued by the commission; under 5 AAC 81.040;

(2) with the use of traps, snares, or barbed arrows;

(3) while big game animals are swimming except that swimming caribou may be taken in Unit 23;

(4) a person who has been airborne may not take or assist in taking big game until after 3:00 a.m. following the day in which the flying occurred; however, this subsection does not apply to the following:

(A) taking or assisting in taking Sitka black-tailed deer in Units 1 - 6 and 8;

(B) repealed 6/23/85;

(5) from any boat in Units 1 - 5, except that wolves may be taken in Units 1 - 5 from a boat;

(6) repealed 6/28/85.

(b) The following methods and means of taking big game are authorized:

(1) with a shotgun, muzzle-loading rifle, or rifle or pistol using center-firing cartridges;

**HOUSE
COMMITTEE REPORT**

(9)
Date referred: 1/22/86

JUDICIARY

FURTHER REFERRALS: FINANCE

DATE: 2/12/86

The RESOURCES Committee has considered SSHB 467

"An Act relating to the herding of fish."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- _____ new title

and recommends _____

further referral to the _____ Committee

and attaches: letter of intent
 first fiscal note
 new fiscal note
 zero fiscal note

SIGNING DO PASS:

Herrmann Adelheid Herrmann
Sundt [Signature]
Thompson [Signature]
Cato Bette Cato
Pearce [Signature]
Wallis F. Kaywellis

SIGNING OTHER RECOMMENDATIONS:

M.W. Miller No Rec. M.W. Miller
Roger Jenkins No Rec. Jenkins

Adelheid Herrmann
Chairman

LETTER OF INTENT FOR HOUSE BILL 467

House Bill 467 is intended to prohibit the herding of fish by aircraft. It is not the intent of the legislature to otherwise restrict the legal uses of aircraft for spotting schools of fish in conjunction with commercial fishing operations.

Adelheid Herrmann 2/12/86

Co- Chair Adelheid Herrmann