

HB

414

753

STATEWIDE PROVISIONS

5 AAC 92.530

Authority:	AS 16.05.255	AS 16.20.039
	AS 16.20.031	AS 16.20.041
	AS 16.20.034	AS 16.20.076
	AS 16.20.036	

5 AAC 92.530. MANAGEMENT AREAS.

The following management areas are subject to special hunting restrictions:

(1) the Fort Richardson Management Area:
 (A) the area consists of the Fort Richardson Military Reservation;

(B) the area is open to the taking of big game by permit only; the department will set conditions under 5 AAC 92.050;

(2) the Eagle River Management Area:

(A) the area consists of the Eagle River drainage upstream from the Glenn Highway in Unit 14(C);

(B) the area is closed to hunting, except

- (i) sheep hunting by permit;
- (ii) black bear hunting by permit; before hunting black bear, a person wishing to hunt must complete a hunter safety course for which a certification of completion is issued;

(3) the Anchorage Management Area:

(A) the area consists of all Cook Inlet drainages south of the Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek, but excluding the Anchorage Coastal Wildlife Refuge;

(B) the Anchorage Management Area is closed to hunting, except that

- (i) moose hunting is allowed by permit only;
- (ii) small game and waterfowl may be taken by falconry, except that waterfowl may not be taken in the Ship Creek drainage west of Post Road;

(4) the Eklutna Lake Management Area:

(A) the area consists of the drainages of Eklutna River and Eklutna Lake in Unit 14(C) upstream from the Glenn Highway, excluding those drainages flowing into the East Fork of Eklutna River upstream from the bridge above the Lake and Thunderbird Creek;

(B) the area is closed to hunting, except that

- (i) small game may be taken by bow and arrow only, from the day after Labor Day through April 30;
- (ii) moose hunting is allowed by permit with bow and arrow only;
- (iii) black bear may be taken by bow and arrow only, from the day after Labor Day to May 20, for one bear only;
- (iv) sheep may be taken by permit, and by bow and arrow only, from the day after Labor Day through September 30;

(5) the Chugach State Park Management Area:

(A) the area consists of that portion of Chugach State Park outside of the Eagle River, Anchorage, and Eklutna Management Areas;

(B) the area is open to hunting under regula-

tions governing Unit 14(C), except as follows:

(i) black bear hunting is open from the day after Labor Day through May 20 for 1 hour only;

(ii) no hunting is allowed for brown bear, mountain goat, squirrel, wolf, wolverine, coyote and unclassified game;

(iii) small game hunting is prohibited in the Tinkle Creek drainage (Arctic Valley Ski Area);

(6) the Skilak Loop Management Area:

(A) the area consists of that portion of Unit 15(A) bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning;

(B) the area is closed to hunting and trapping except that small game may be taken only from October 1 through March 1 by bow and arrow only, and antlerless moose may be taken by permit only;

(7) the Dalton Highway Corridor Management Area:

(A) the area consists of those portions of Units 20 and 24 — 26 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area;

(B) the area is closed to hunting; however, big game, small game, and fur animals may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles may be used to transport game or hunters within the Dalton Highway Corridor Management Area; any hunter traveling on the Dalton Highway must stop at any check station operated by the department within the Dalton Highway Corridor Management Area;

(8) the Minto Flats Management Area:

(A) the area consists of that portion of Unit 20 bounded by the Elliott Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tlovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swanneck Slough), to the confluence of the Tanana and Tlovana Rivers and then northerly to the point of beginning;

(B) the area is open to moose hunting except that aircraft and airboats may not be used for

Public safety & viewing

Public safety & viewing

FAX # 465 2332

5 AAC 92.510

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(C) Unit 26(C) consists of the remainder of Unit 26. (Eff. 8/20/89, Register 111)

Authority: AS 16.05.255

Article 12.

Restricted Areas.

Section

- 510. Areas closed to hunting
- 520. Closures and restrictions in state game refuges
- 530. Management areas
- 540. Controlled use areas
- 550. Areas closed to trapping

5 AAC 92.510. AREAS CLOSED TO HUNTING.

(a) The following areas are closed to hunting as specified:

(1) Unit 1(A)

(A) in the Ketchikan area, a strip one-fourth mile wide on each side of the Tongass Highway system, including the Ward, Connel, and Harriet Hunt Lake Roads, is closed to the taking of big game;

(B) in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bears;

(2) Unit 1(B)

(A) the Anan Creek drainage within one mile of Anan Creek downstream from the mouth of Anan Lake, including the area within a one mile radius from the mouth of Anan Creek Lagoon is closed to the taking of black bears and brown bears;

(3) Unit 1(C)

(A) Unit 1(C) is closed to the taking of snow geese;

(B) in the Juneau area, that area between the coast and a line one-fourth mile inland of the following road systems is closed to the taking of big game: Glacier Highway from Mile 0 to Mile 24 at Peterson Creek, Douglas Highway from the Douglas city limits to Milepost 7 on the North Douglas Highway, Mendenhall Loop Road, and Thane Road;

(C) the area within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area, is closed to hunting;

(D) the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier, is closed to the taking of mountain goat;

(E) Auke Lake is closed to the taking of waterfowl;

(F) Mt. Juneau drainage, bounded by the Glacier Highway, Salmon Creek and its reser-

voir, a line from the head of the Salmon Creek drainage to the head of Granite Creek, and down Granite Creek and Gold Creek to the Glacier Highway, is closed to the taking of mountain goat;

(4) Unit 1(D)

(A) a strip one-fourth mile wide on each side of the Lutak Road between Mile 7 and Chilkoot Lake, and from the Chilkoot River bridge to the end of the Lutak Road spur at the head of Lutak Inlet, is closed to the taking of big game;

(5) Unit 3

(A) a strip one-fourth mile wide on each side of the Stikine (Zimovia) Highway from the Wrangell city limits to the Tongass National Forest Boundary is closed to the taking of big game;

(B) in the Petersburg vicinity, a strip one-fourth mile wide on each side of the Milkof Highway from Milepost 0 to the Crystal Lake campground is closed to the taking of big game, except wolves;

(C) the Petersburg Creek drainage on Kupreanof Island is closed to the taking of black bears;

(D) Blind Slough, draining into Wrangell Narrows, and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge, are closed to all hunting; the remainder of Blind Slough and its drainage is closed to the taking of snow geese only;

(6) Unit 4

(A) in the Sitka area, a strip one-fourth mile wide on each side of all state highways is closed to the taking of big game;

(B) the Seymour Canal Closed Area (Admiralty Island), including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay, and including Swan and Windfall Islands, is closed to the taking of bears;

(C) the Salt Lake Bay Closed Area (Admiralty Island), including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay, is closed to the taking of bears;

(D) Port Althorp (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock), is closed to the taking of brown bears;

(E) Mitchell Bay (Admiralty Island), that area including Mitchell Bay, Kootznahoo Inlet, Kanalkoo Bay, and Favorite Bay, and all adjacent land within 660 feet of mean high tide, is closed to the taking of brown bears;

(7) Unit 6

(A) the Cont M. Area, which consist bounded on the nor Glacier, on the so Valley River and Pl west by the Copper ; of mountain goat;

(B) the Honey Ro which consists of th of the Copper River Eyak River, is close goat;

(8) Unit 7

(A) the Portage (7, which consists (between the Ancho Placer Creek in Be: mouth of Byron Cre: Glacier, is closed to) birds and small g shotguns after Sept

(B) the Seward C consists of the sout urrection River do Fjords National Pa Resurrection Bay d of the Resurrection Lowell Creek, are game;

(C) the Cooper L consists of that po Juneau Creek, begi the Kenai River. confluence of June then easterly along fork of Falls Cree: saddle to Devils along Devils Creek Creek, then southv to the Sterling Hi the Sterling High then westerly along of beginning at the closed to the taking goat;

(D) the Resurre: which consists of t Creek downstream Creeks, including I taking of moose;

(9) Unit 9

(A) in Unit 9, th Sanctuary and con to hunting and trap by permit only u

(B) Unit 9(E) is ada Geese;

(C) that portion and east of McNeil to the boundary of Preservo, and incl

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of the Salmon Creek of Granite Creek, and Gold Creek to the west of the taking of

one-half mile wide on each side of Mile 7 and Chilkoot River bridge to the west of the taking of big game;

one-half mile wide on each side of Highway from the Tongass National Forest to the taking of big

in the vicinity, a strip one-half mile wide on each side of the Mitkof River to the Crystal Lake to the taking of big game,

the Copper River drainage on the north side to the taking of black

beginning into Wrangell one-fourth mile wide on each side, from the hunting boundary to the northernmost portion of the closure markers on the north side of Blind Slough to the taking of snow

one-half strip one-fourth mile wide on each side of the highways is closed

Closed Area (Admiral) drainages into northwestern Staunton Point of the unnamed peninsula and King Salmon and Windfall Islands, and

Closed Area (Admiral) within one-fourth mile of Dutchman Rock at the west end to the taking of

Prudhoe Island), that portion of the watershed south of the Salt Chuck Point to the taking of brown

Prudhoe Island), that portion of the watershed south of the Salt Chuck Point to the taking of brown bears;

(A) the Goat Mountain Goat Observation Area, which consists of that portion of Unit 6 bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River, is closed to the taking of mountain goat;

(B) the Heney Range Goat Observation Area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River, is closed to the taking of mountain goat;

(8) Unit 7 (A) the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier, is closed to hunting; however, migratory birds and small game may be hunted with shotguns after September 1;

(B) the Seward Closed Area in Unit 7, which consists of the south side drainage of the Resurrection River downstream from the Kenai Fjords National Park's eastern boundary, and Resurrection Bay drainages between the mouth of the Resurrection River and the mouth of Lowell Creek, are closed to the taking of big game;

(C) the Cooper Landing Closed Area, which consists of that portion of Unit 7 bounded by Juneau Creek, beginning at its confluence with the Kenai River, then upstream to the confluence of Juneau Creek and Falls Creek, then easterly along Falls Creek and the north fork of Falls Creek and over the connecting saddle to Devils Creek, then southeasterly along Devils Creek to its confluence with Quartz Creek, then southwesterly along Quartz Creek to the Sterling Highway, then westerly along the Sterling Highway to the Kenai River, and then westerly along the Kenai River to the point of beginning at the mouth of Juneau Creek, is closed to the taking of Dall sheep and mountain goat;

(D) the Resurrection Creek Closed Area, which consists of the drainage of Resurrection Creek downstream from Rimrock and Highland Creeks, including Palmer Creek, is closed to the taking of moose;

(9) Unit 9 (A) in Unit 9, the McNeil River State Game Sanctuary and contiguous tidelands are closed to hunting and trapping; access to the sanctuary is by permit only under 5 AAC 92.065;

(B) Unit 9(E) is closed to the taking of Canada Geese;

(C) that portion of Unit 9 extending south and east of McNeil River State Game Sanctuary to the boundary of Katmai National Park and Preserve, and including any state land within

the boundaries of Katmai National Park and Preserve, is closed to brown bear hunting;

(10) Unit 10 (A) Unit 10, except Unimuk Island, is closed to the taking of Canada Geese; and

(B) Otter Island in the Pribilof Islands is closed to hunting;

(11) Unit 13 (A) the Paxson Closed Area in Unit 13(B), which consists of the eastern drainage of the Gulkana River lying west of the Richardson Highway and the western drainage of the Gulkana River between the Denali Highway and the north end of Paxson Lake where the Gulkana River enters Paxson Lake, is closed to the taking of big game;

(B) the Sheep Mountain Closed Area which lies along the Glenn Highway in Unit 13(A) and is bounded by a line from Caribou Creek, Milepost 107 Glenn Highway, then easterly along the Glenn Highway to Milepost 123, then north to Squaw Creek, then downstream to Caribou Creek, then down Caribou Creek to the point of beginning, is closed to the taking of mountain goat and Dall sheep;

(12) Unit 15 (A) the Moose River Closed Area near Sterling in Unit 15(A), which consists of the area on and within one-quarter mile of the Moose River between the Kenai National Moose Range boundary and the Sterling Highway, is closed to the taking of waterfowl;

(B) the Kenai Moose Research Center Closed Area in Unit 15(A), which consists of that area within the outer boundary fences of the Kenai Moose Research Center, located west and south of Coyote and Vixen Lakes is closed to hunting;

(13) Unit 17 (A) all islands and adjacent waters within one-half mile of each island in the Walrus Islands State Game Sanctuary, as described in AS 16.20.092, except for those islands known as the Twins and their adjacent waters are closed to hunting; however, hunting may occur on Round Island and its adjacent waters from September 20 - October 20;

(14) Unit 20 (A) Birch Lake and the area within one-half mile of Birch Lake (Mile 56 Richardson Highway) is closed to the taking of big game;

(B) Harding Lake and the area within one-half mile of Harding Lake (Mile 44 Richardson Highway) is closed to the taking of big game;

(C) Lost Lake and the area within one-half mile of Lost Lake (Mile 56 Richardson Highway) is closed to the taking of big game with firearms and crossbows;

(D) repealed 8/10/90;

(E) repealed 6/28/96;

(15) Unit 26 (A) the Prudhoe Bay Closed Area is closed to the taking of big game; this closed area consists

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of the area bounded by a line beginning at 70° 22' N. lat., 148° W. long., then running south approximately 14 miles to a point at 70° 10' N. lat., 148° W. long., then west approximately 15 miles to a point at 70° 10' N. lat., 148° 40' W. long., then north approximately two miles to a point at 70° 12' N. lat., 148° 40' W. long., then west approximately eight miles to a point at 70° 12' N. lat., 148° 56' W. long., then north approximately two miles to a point at 70° 15' N. lat., 148° 56' W. long., then west approximately 12 miles to a point at 70° 15' N. lat., 149° 28' W. long., then north approximately 12 miles to a point at 70° 26' N. lat., 149° 28' W. long., then east approximately 14 miles to a point at 70° 26' N. lat., 148° 52' W. long., then south approximately 2 miles to a point at 70° 24' N. lat., 148° 52' W. long., then east approximately 16 miles to a point at 70° 24' N. lat., 148° 11' W. long., then south approximately 2 miles to a point at 70° 24' N. lat., 148° 11' W. long., then east approximately 6 miles to the point of beginning.

(b) Proposed regulatory changes to or affecting this section, either to add or eliminate an area closed to hunting, or to expand or reduce the size of an area closed to hunting, will not be accepted for consideration outside the board's published schedule for "Areas Closed to Hunting," unless the board first approves an agenda change. (Eff. 8/20/89, Register 111; am 8/10/90, Register 116; am 7/1/92, Register 122; am 7/16/95, Register 135; am 6/28/96, Register 138; am 7/1/96, Register 138; am 7/1/97, Register 142; am 7/26/97, Register 143)

Authority: AS 16.05.255 AS 16.20.160
 AS 16.20.041 AS 16.20.162
 AS 16.20.075

5 AAC 92.520. CLOSURES AND RESTRICTIONS IN STATE GAME REFUGES.

(a) Unit 1

(1) The Mendenhall Wetlands State Game Refuge, as described in AS 16.20.034, is closed to hunting, except for waterfowl (including snipe and crane) during established seasons. No person may use any off-road or all-terrain vehicle, motorcycle, or other motorized vehicle (except a boat) within the refuge. Hunters 15 years old or younger must be accompanied by an adult, or demonstrate, upon request, completion of a certified hunter safety and waterfowl identification course before hunting in the refuge.

(b) Unit 14

(1) The Anchorage Coastal Wildlife Refuge (formerly the Potter Point State Game Refuge) in Unit 14(C), described in AS 16.20.031,

(A) is open to small game hunting with shotguns, bowhunting, and falconry only, except for that portion between the Alaska Railroad and the Old Seward Highway;

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(B) is closed to the use of motorized vehicles;

(C) is closed to the discharge of all firearms except that shotguns may be used in those areas open to hunting north and west of a line extending south from the radio tower located at the Kincaid Park motorcross area and south and east of a line extending from an ADF&G regulatory marker at the point where Furrow Creek enters the refuge through a second ADF&G regulatory marker west of Furrow Creek from September 1 through March 31, before hunting, a person wishing to hunt with a shotgun must complete a certified hunter safety course and must register annually with the department; a person convicted of a hunting violation in one year is not eligible to register to hunt in the Anchorage Coastal Wildlife Refuge the following year; a hunter using a shotgun shall present in the field, upon request, the registration permit;

(D) in addition to the prohibitions set out in (A) — (C) of this paragraph, no person may intentionally distribute bread scraps, cereal grains, corn, or other waterfowl foods; or otherwise feed waterfowl, in the Anchorage Coastal Wildlife Refuge.

(2) The Susitna Flats State Game Refuge in Units 14 and 16, which is described in AS 16.20.036, is open to hunting under the following conditions:

(A) the use of a motorized vehicle for hunting is allowed from November 9 through March 31;

(B) from April 1 through November 8, the use of a motorized vehicle, except an aircraft, hovercraft, boat, and snowmachine, is restricted to existing road surfaces, and to use within 1/8 mile of mean high tide or as designated by the department;

(C) notwithstanding (A) and (B) of this paragraph, the department may issue an access permit, allowing an activity otherwise prohibited by this subsection, for

- (i) access by a person who has a physical impairment;
- (ii) movement of equipment or supplies; or
- (iii) refuge administration and management.

(c) Unit 20

(1) In the Creamer's Field Migratory Waterfowl Refuge, hunting and trapping are allowed only after registering with the department; the department may use its discretionary authority under 5 AAC 92.051 to implement the management plan for the refuge developed by the department.

(d) Unit 9

(1) The McNeil River State Game Refuge is closed to brown bear hunting. (Eff. 8/20/89, Register 111; am 8/10/91, Register 119; am 7/1/92, Register 122; am 4/25/96, Register 138; am 7/1/96, Register 136; am 7/26/97, Register 143)



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Resource
 Committee on 414 Committee Name Dated 3/19/98
Bill / Subject

This bill makes a mockery of the
 Idea that the game board should
 be independent of politics

Also these intensive game management
 idea killing wolves and bears hurts
 The tourism industry because it gives
 Annual right legitimate calls for
 tourism boycott. I believe most Alaskans
 hate the Idea of killing wolves and
 bears off to create more moose & caribou

SIGNED

Testifier [Signature]

Representing Self

Address / Phone Number # 351 cloudberry dr
EBKs AK - 99708



**Alaska
Wilderness
Recreation &
Tourism
Association**

**P.O. Box 22827
Juneau, AK 99807
Phone (907) 463-3038
Fax (907) 463.3280
Email awrta@alaska.net
Web www.alaska.net/~awrta**

March 23, 1998

Chairman Scott Ogan,
House Resources Committee
Alaska State Legislature

Thank you for giving me the chance to testify on HB 414 on March 19. I know time was short, and I appreciated the chance to share my association's views on the bill.

We are concerned that HB 414 is both poor public policy and unconstitutional because it arbitrarily discriminates between Alaskan tourism businesses that rely on wildlife.

The Alaska Wilderness Recreation & Tourism Association (AWRTA) is a trade association representing 300 members statewide, mostly Alaskan owned and operated nature-based tourism businesses. Our members range from wilderness lodges to B&B's, from sport fishing charter businesses to hunting guides, and from small cruise boat companies to wilderness rafting/kayaking outfitters. They share a common interest in protecting the quality of Alaska's unique outdoor recreation resources and experiences upon which their businesses depend.

Nature-based tourism, including wildlife viewing, is one of the fastest growing industries in Alaska. Wild lands and abundant wildlife are one of Alaska's unique attractions and competitive advantages. They bring significant benefits to communities and businesses around the state. People coming to Alaska specifically to view wildlife spend more than twice as much in the state as general visitors, for all kinds of goods and services that benefit Alaskan businesses. This applies well beyond our members, to the more than 3000 businesses in the state that rely on tourism.

It appears to us that HB 414 poses four significant problems for sensible wildlife management:

- 1) It favors one set of businesses at the expense of another, by establishing a new hierarchy of statutory preferences for uses of game, and requiring the Board of Game to give one set of commercial uses (guided hunting and trapping) a preference over another (guided wildlife viewing).
- 2) It establishes a statutory preference for consumptive over non-consumptive uses of wildlife, which seems to make it difficult to provide for any restrictions on hunting in order to provide for wildlife viewing opportunities.
- 2) It requires the Board of Game to promote reductions in some of the wildlife populations that are of most interest to Alaskan visitors, including wolves and brown bear.
- 3) It eliminates Alaska's game manager's traditional discretion and flexibility to balance the full range of different uses of wildlife.

We do not see any basis for discriminating between commercial uses and users of wildlife. Does guided hunting or trapping create greater economic benefits for the state than wildlife viewing? This seems unlikely. Many other tourism businesses are just as dependent upon wildlife as

hunting guides are. This distinction between commercial uses seems to us to be an arbitrary and irrational classification. We do not see why such a preference is needed or even useful.

Statutory preferences for uses of wildlife, as the 20 year history of the subsistence law shows, are difficult, contentious, and expensive to administer, and should only be used as a matter of real public need. Otherwise, the Board of Game is in the best position to balance the wide range of competing demands on wildlife.

Equal protection provisions in the Alaska Constitution require that similar uses must be treated similarly. Guides provide similar services in both consumptive and nonconsumptive commercial uses of game -- expertise and assistance to clients in getting close to wildlife. We fail to see how a preference for one over the other can be supported under the equal protection clauses.

Finally, the bill seems overbroad. The finding indicate it is intended to address a few local areas where there are major problems with moose and caribou abundance, but the statute seems to require that the new preferences apply in all cases. It would be a real detriment to our member businesses, and to the economy of the state, to preclude the Board of Game from providing any special provisions for wildlife viewing.

We urge you not to pass the bill in its current form. It will harm one of the state's major industries, and is not supported on either public policy or legal grounds.

Please feel free to call me if additional information about our members' businesses and their needs would be useful.

Sincerely,

A handwritten signature in cursive script that reads "Steven Behnke".

Steven Behnke
Executive Director

ARTICLE 12
RESTRICTED AREAS

5 AAC 92.510

AREAS CLOSED TO HUNTING.

(a) The following areas are closed to hunting as specified:

(1) Unit 1(A)

(A) in the Ketchikan area, a strip one-fourth mile wide on each side of the Tongass Highway system, including the Ward, Connel, and Harriet Hunt Lake Roads, is closed to the taking of big game;

(B) in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bears;

(2) Unit 1(B)

(A) the Anan Creek drainage within one mile of Anan Creek downstream from the mouth of Anan Lake, including the area within a one mile radius from the mouth of Anan Creek Lagoon is closed to the taking of black bears and brown bears;

(3) Unit 1(C)

(A) Unit 1(C) is closed to the taking of snow geese;

(B) in the Juneau area, that area between the coast and a line one-fourth mile inland of the following road systems is closed to the taking of big game: Glacier Highway from Mile 0 to Mile 24 at Peterson Creek, Douglas Highway from the Douglas city limits to Milepost 7 on the North Douglas Highway, Mendenhall Loop Road, and Thane Road;

(C) the area within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area, is closed to hunting;

(D) the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier, is closed to the taking of mountain goat;

(E) Auke Lake is closed to the taking of waterfowl;

(F) Mt. Juneau drainage, bounded by the Glacier Highway, Salmon Creek and its reservoir, a line from the head of the Salmon Creek drainage to the head of Granite Creek, and down Granite Creek and Gold Creek to the Glacier Highway, is closed to the taking of mountain goat;

(4) Unit 1(D)

(A) a strip one-fourth mile wide on each side of the Lutak Road between Mile 7 and Chilkoot Lake, and from the Chilkoot River bridge to the end of the Lutak Road spur at the head of Lutak Inlet, is closed to the taking of big game;

(5) Unit 3

(A) a strip one-fourth mile wide on each side of the Stikine (Zimovia) Highway from the Wrangell city limits to the Tongass National Forest Boundary is closed to the taking of big game;

(B) in the Petersburg vicinity, a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to the Crystal Lake campground is closed to the taking of big game, except wolves;

(C) the Petersburg Creek drainage on Kupreanof Island is closed to the taking of black bears;

(D) Blind Slough, draining into Wrangell Narrows, and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough

bridge, are closed to all hunting; the remainder of Blind Slough and its drainage is closed to the taking of snow geese only;

(6) Unit 4

(A) in the Sitka area, a strip one-fourth mile wide on each side of all state highways is closed to the taking of big game;

(B) the Seymour Canal Closed Area (Admiralty Island), including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay, and including Swan and Windfall Islands, is closed to the taking of bears;

(C) the Salt Lake Bay Closed Area (Admiralty Island), including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay, is closed to the taking of bears;

(D) Port Althorp (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock), is closed to the taking of brown bears;

(E) Mitchell Bay (Admiralty Island), that area including Mitchell Bay, Kootznahoo Inlet, Kanalkoo Bay, and Favorite Bay, and all adjacent land within 660 feet of mean high tide, is closed to the taking of brown bears;

(7) Unit 6

(A) the Goat Mountain Goat Observation Area, which consists of that portion of Unit 6 bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River, is closed to the taking of mountain goat;

(B) the Heney Range Goat Observation Area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River, is closed to the taking of mountain goat;

(8) Unit 7

(A) the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier, is closed to hunting; however, migratory birds and small game may be hunted with shotguns after September 1;

(B) the Seward Closed Area in Unit 7, which consists of the south side drainage of the Resurrection River downstream from the Kenai Fjords National Park's eastern boundary, and Resurrection Bay drainages between the mouth of the Resurrection River and the mouth of Lowell Creek, are closed to the taking of big game;

(C) the Cooper Landing Closed Area, which consists of that portion of Unit 7 bounded by Juneau Creek, beginning at its confluence with the Kenai River, then upstream to the confluence of Juneau Creek and Falls Creek, then easterly along Falls Creek and the north fork of Falls Creek and over the connecting saddle to Devils Creek, then southeasterly along Devils Creek to its confluence with Quartz Creek, then southwesterly along Quartz Creek to the Sterling Highway, then westerly along the Sterling Highway to the Kenai River, and then westerly along the Kenai River to the point of beginning at the mouth of Juneau Creek, is closed to the taking of Dall sheep and mountain goat;

(D) the Resurrection Creek Closed Area, which consists of the drainage of Resurrection Creek downstream from Rimrock and Highland Creeks, including Palmer Creek, is closed to the taking of moose;

(9) Unit 9

(A) in Unit 9, the McNeil River State Game Sanctuary and contiguous tidelands are closed to hunting and trapping; access to the sanctuary is by permit only under 5 AAC 92.065;

(B) Unit 9(E) is closed to the taking of Canada Geese;

Register 116; am 6/16/91, Register 118; am 8/10/91, Register 119; am 7/1/92, Register 122; am 7/1/93, Register 126; am 7/7/94, Register 131; am 4/25/96, Register 138; am 6/28/96, Register 138; am 7/1/97, Register 142

Authority -
AS 16.05.255

5 AAC 92.550

AREAS CLOSED TO TRAPPING.

The following areas are closed to the trapping of furbearers as indicated:

(1) Unit 1(C) (Juneau area):

(A) a strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) Auke Lake and the area within one-quarter mile of Auke Lake;

(C) that area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(D) a strip within one-quarter mile of the Douglas Island coast along the entire length of the Douglas Highway and a strip within one-quarter mile of the Eaglecrest Road;

(E) that area within the United States Forest Service Mendenhall Glacier Recreation Area;

(F) a strip within one-quarter mile of the following trails as designated on United States Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and the Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

(G) the area described as the Mendenhall Wetlands State Game Refuge in AS 16.20.034 is closed to trapping; the use of off-road or all-terrain vehicles, motorcycles, or other motorized vehicles (except boats) within the boundaries of Mendenhall Wetlands State Game Refuge is prohibited at all times;

(2) Unit 9: the drainages of McNeil River, Mikfik Creek and all other drainages into McNeil Cove which extends from Akjemguiga Cove on the north to McNeil Head on the south, located at the head of Kamishak Bay, in the lower Cook Inlet are closed to trapping; access to the McNeil River State Game Sanctuary is by permit only;

(3) Unit 14(C) (Anchorage Area):

(A) the drainages into Eklutna River and Eklutna Lake, within Chugach State Park except Thunderbird Creek and those drainages flowing into the East Fork of the Eklutna River upstream from the bridge above the lake;

(B) the Eagle River Management Area;

(C) that portion of Chugach State Park outside of the Eagle River, Anchorage, and Eklutna Management areas is open to trapping under Unit 14(C) seasons and bag limits, except no trapping of wolf, wolverine, land otter, or beaver is allowed;

(D) all land and water within the Anchorage Management Area as described in 5 AAC 92.530(3);

(E) in the Anchorage Coastal Wildlife Refuge in Unit 14(C), described in AS 16.20.031: all land and water south and west of and adjacent to the toe of the bluff that extends from Point Woronzof southeasterly to Potter Creek;

(F) the Fort Richardson Management Area, except for beaver, muskrat, mink,

weasel, and coyote on Fort Richardson, and except for beaver and coyote on Elmendorf Air Force Base;

(4) Unit 15:

(A) within the city limits of Homer (Unit 15) as those limits existed in November 1987;

(B) the Skilak Loop Wildlife Management Area, consisting of that portion of Unit 15(A) bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop Road (milepost 58.0), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning;

(C) that portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier is closed to the trapping of marten;

(D) the Kenai Moose Research Center Closed Area in Unit 15(A), which consists of that area within the outer boundary fences of the Kenai Moose Research Center, located west and south of Coyote and Vixen Lakes is closed to trapping;

(5) Unit 17: all islands within the Walrus Islands State Game Sanctuary as described in AS 16.20.110 are closed to trapping;

(6) Unit 2: Joe Mace Island Marine Park, a small island off Point Baker on Prince of Wales Island, is closed to trapping.

History -

Eff. 8/20/89, Register 111; am 7/1/92, Register 122; am 7/9/95, Register 135; am 7/26/97, Register 143

Authority -

AS 16.05.250
AS 16.05.255
AS 16.20.040
AS 16.20.120
AS 16.20.170

ARTICLE 13

- 18.

ARTICLE 19

ENDANGERED SPECIES

Editor's Notes -

Effective 8/20/89, Register 111, the substance of former 5 AAC 92.800 is contained in 5 AAC 93.020.

ARTICLE 20

DEFINITIONS

5 AAC 92.990

DEFINITIONS.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 414

1 Page 3, line 7, following "game.":

2 Insert "(a)"

3 Page 3, line 8, following "family":

4 Delete all material.

5 Insert "consumption. The other"

6 Page 3, following line 11:

7 Insert a new subsection to read:

8 "(b) Notwithstanding (a) of this section, the Board of Game may maintain a
9 regulatory closure of an area to hunting or trapping that is in effect on the effective
10 date of this subsection if the repeal of the closure would

11 (1) create a significant risk to public safety;

12 (2) pose a risk to continued sustained yield management of a game
13 population;

14 (3) not significantly enhance opportunities for personal and family use
15 of game for human consumption; or

16 (4) interfere with the rebuilding of a big game prey population to a
17 level of abundance that would support a high level for human harvest."

Response to House Resources concerning HB364. March 18, 1998

Peter E.K. Shepherd, 1012 Galena St. Fairbanks, AK

My credentials are those of a graduate wildlife biologist, big game guide, and trapper with nearly 47 years of experience in Alaska. However, those that oppose my views refer to me as an "out of touch dinosaur". To which I reply "no I'm a shark, they proceeded the dinosaurs and survive to this day"

HB364 addresses several symptoms of a resource conservation problem resulting from political, social, and management actions occurring over several decades. These actions are the subsistence priority issue, deregulation of the air taxi industry, pitting the highly regulated guiding industry against unregulated commercial hunting services, and a philosophy of passive (hands off) wildlife management. Solution of this multi-faceted problem will be difficult, and may antagonize certain interest groups, but it needs immediate attention if we are to maximize the economic, recreational, and subsistence values of moose.

Some of you believe this legislation is a special interest gimmick; well, believe it or not, many guides are genuinely concerned about wildlife conservation, resource use conflicts, impacts on land use, meat salvage, and a regulatory double standard. Conversely, the Alaska Department of Fish and Game position paper downplays the waste issue, threatens revenue loss, speciously uses the fear of a legal challenge to the entire nonresident guide requirement law, and ignores the possibility of a growing conservation problem.

First, wanton waste to any degree is not acceptable. Any change in law or regulation which lowers the probability of game waste should have the departments support. The departments point that wanton waste is not specific to nonresident hunters, is accurate, but fails to recognize that most (75%) are unaccompanied, drop off clients with no experience in packing, handling, and preserving large amounts of game meat. Many have no notion of the physical exertion required to pack a huge bull moose great distances and some wouldn't be able to even tell you where they had hunted. Once this meat reaches a major airline terminal it is often rotten and abandoned. Useful to no one.

The department estimates it would loose \$885,000 in nonresident license and moose tag fees if HB 364 was to pass. This calculation is based on the assumption that 70 per cent of the nonresidents not choosing guide services would hunt elsewhere. I question if it is possible to hunt Alaska/Yukon moose anywhere without a guide? In addition, this 70 per cent figure is a little shaky, because it was derived from the mountain goat experience--- a species that was lightly hunted by nonresidents.

If one combines the percentage of nonresident hunters expected to employ guides with the 30 percent converting to guide services, or 1,652 hunters the annual nonresident pool is reduced by over one half. Moreover, in the department position paper it was not demonstrated what guided hunts contribute to the state economy.

By using current costs it is simple to calculate this contribution. An average guided nonresident hunt leaves about \$10,585, including about \$1085 in license and tag fees. Using ADF&G figures there

would be about 1652 guided clients contributing about \$1,793,320 in license and tag fees, with \$15,694,000 into the state economy .

Essentially one guided hunt is equivalent to three unaccompanied nonresident hunts. This suggests that it is foolhardy for the state to sell this resource to the lowest bidder. Most western states place a higher value on their big game resources.

The department is patently incorrect when it is stated that the nonresident guide requirement for hunting brown/ grizzly bear, Dall Sheep, and mountain goats was based on safety. Title 16 mandates that legislatures must first determine that the requirement is for conservation reasons, and secondarily for safety reasons. Under the department's view point it may not be long before someone challenged the guide requirement law!

It appears that ADF&G welcomes nonresident license and tag revenue, but doesn't wish to actively manage moose populations, providing a reasonable opportunity for these hunters to harvest a moose. Unaccompanied nonresident hunters consistently have lower rates of success, which is further exacerbated by the 50 inch minimum moose antler requirement, short seasons, and closed sub-units.

The department fails to admit the 50 inch minimum moose antler requirement is difficult for nonresidents to judge. In fact in areas where the antler requirement affects residents there seems to be an associated problem of undersized, illegal moose kills i.e. Kenai Peninsula. It would be a wise conservation move (in the case of nonresidents) to put the responsibility of identification of legal bull moose and salvaging meat in the hands of regulated professionals.

In addition to identifying a legal bull moose and salvaging meat there are other conservation and socially based reasons, under present management goals, to justify the hiring guides by nonresident moose hunters as follows:

1. Hunters are being overly concentrated in those Game Management Units where moose are still relatively abundant, such as G. M.U. 's 19, 21, and 17 in direct competition with residents
2. Nonresident moose hunters are being dropped off in the few areas accessible to village hunters, directly competing with local residents.
3. Low moose populations and lack of hunting opportunities in adjacent urban areas has led to increasing expansion into distant G.M.U.'s, which without active game management will eventually not be capable of sustaining increased hunting pressure

The greatest change in the commercial big game hunting industry in the past 10 years has been the proliferation of transporter operations into the hunter service industry. These operations are now using the same techniques and transport means as guides, but have virtually no regulatory constraints. Particularly drop camp operators are not required to account the nonresident hunters salvage of meat, camping fees, or field violations.

This begs the question as to why should one type of operation be highly restricted while another can furnish virtually the same services without need to comply? This certainly doesn't provide a "level playing field" for competing industries. Eventually without regulatory changes, the transporter services will dominate all hunts except where a guide is required.

Personally, I have all the moose and other hunts that I can handle and must turn away clients every year. Many of my clients first hunt in Alaska was a drop camp experience---which they found unsatisfactory. I spend up to \$25,000 per year on air charter, seat fares, freight hauls, supercub time, and meat dispersal ; my clients contribute another \$20,000 on seat fares, charter, meat hauling, and cape and antler transport. The combined expenditures amount to an average of \$2812 per guided hunter, all paid to air taxi services, or about what a combo drop hunt costs. Moreover, once the Part 135 requirement goes into effect, many guides will have to rely on air services or quit guiding. This suggests that conversion to guided hunts may not cause undo losses to the transporting industry.

The overcrowding situation in the upland areas of G.M.subUnits 17B and 19B has become chaotic. By mid-August there is a tent camp on virtually every hilltop accessible by wheel equipped aircraft. These camps are left out until late September as drop hunters are rotated. Any semblance of courtesy or ethical behavior has been forgotten in order to accommodate volume business. This phenomenon has progressed to the point where drop camp operators are placing hunters by boat or raft in close proximity to local hunting activity. The permanent structures of one large operation near Sleetmute on the Holitna River mysteriously burned to the ground in the fall of 1997. Rural people are justly asking for some accountability or control of this runaway exploitation.

In conclusion, moose are a highly desired and valuable resource which in the case of commercial service activities should return maximum benefits to the state, residents, and the participating industries. Present management practices are based on the ecosystem concept, resulting in minimal harvest goals, and permitting virtually no active management. This leaves only a small segment of many remote moose populations available for human use harvest. Under these conditions nonresident participation in moose harvest should be cautiously limited, and more so as rural and urban resident game demands increase. Therefore, considering previously expressed reasons, a viable alternative would be to pass HB364, resulting in the reduction of nonresident moose hunters, increasing sales of big game tags, and providing millions of dollars more than was previously injected into the state economy.

Peter E. K. Shepherd

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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While in Juneau
State Capitol
Juneau, Alaska
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House District 31

House Of Representatives

Sponsor Statement

HB 414

Game Management

House Bill 414 provides guidance for the management of game resources in Alaska. The bill requires the Board of Game to establish game population and harvest objectives to promote a high level of harvest by humans.

HB 414 establishes the preferences among beneficial uses of game resources. Personal and family use for human consumption is the highest and best use of game, commercial use, including trapping and guiding are next, and the last preference is for nonconsumptive commercial or noncommercial use of game.

Alaska State Legislature

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House District 31

House Of Representatives

Sectional

HB 414

An act relating to game management.

Section 1. Findings. Explains the public trust responsibility of the state for the management of game resources to ensure they remain available for use by the public. Identifies some of the areas of the state where active management is needed to prevent further damage to citizens dependent on game resources.

Section 2. Adds the sustained yield concept to the existing definition of intensive management.

Section 3. Definitions providing for high levels of harvest for human consumption are intended to assist the Department of Fish and Game and the Board of Game.

"harvestable surplus" includes the growth of a game population, and places harvest by humans on equal footing with predators.

"high level of human harvest" is defined in terms of a hunter success rate of 25% for a given population of game.

"sustained yield" means achieving and maintaining a high level of human harvest.

Section 4. Requires the Board of Game to establish game population objectives and objectives for the harvest by humans.

Section 5. Requires the Commissioner of the Department of Fish and Game to cooperate with the Board of Game in the implementation of regulations, management plans and programs established by the Board of Game.

Section 6. Provides the Department and the Board with clear priorities in the management and uses of Game. The highest and best use of game is for personal and family use for human consumption. The next highest use is commercial use including trapping and guiding, the lowest priority use is nonconsumptive use, commercial or noncommercial.

0-LS1437H ✓
Utermohle
3/6/98

CS FOR HOUSE BILL NO. 414()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KELLY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of game and to the duties of the commissioner
2 of fish and game."

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

4 * Section 1. FINDINGS. The legislature finds that

5 (1) the state has a duty to its citizens to manage its renewable natural
6 resources, such as game, to maintain the quantity of those resources so they remain available
7 for use by residents of the state;

8 (2) rural and nonrural residents of the state have expressed, in legislative
9 hearings and other public forums throughout the state, concerns about the decline of game
10 populations and the loss of the opportunity to successfully participate in hunting activities;

11 (3) the loss of opportunity to hunt successfully in hunting areas contributes to
12 increased friction and tension between user groups;

13 (4) an abundant supply of game is essential to continuance of the subsistence,
14 personal use, and general hunting lifestyle in the state;

1 (5) an abundant supply of game to provide food for human consumption is
2 essential for residents to maintain their traditional reliance on wild food sources and is best
3 achieved by active scientific management of game populations and habitats;

4 (6) chronically low populations of moose in Interior Alaska have placed
5 economic stresses on residents of the region who have traditionally relied on moose as a major
6 food source; some populations of moose in the Interior region of the state are reported to be
7 only a fraction of the population levels that existed in the 1960s and early 1970s;

8 (7) moose populations in game management units 12, 19C, 19D, 20C, 20D,
9 20E, 20F, 21, 24, 25, and 26 have been reduced to the extent that the welfare of residents of
10 these units and the economic health of these areas have been adversely affected;

11 (8) at the time of statehood for Alaska, the Steese-Forty Mile caribou herd
12 numbered over 60,000 animals and sustained a harvest of thousands of caribou each year; at
13 the present time, the herd numbers about 22,000 animals and has a maximum allocation of
14 150 animals each year for harvest by humans;

15 (9) the Steese-Forty Mile caribou herd is not able to provide for the needs of
16 Alaska residents while the herd is present in Alaska and is rarely available for harvest by
17 humans in the Canadian portion of its range;

18 (10) modern scientific management must be implemented to restore the
19 biological health of the state's game resources.

20 * Sec. 2. AS 16.05.255(g)(2) is amended to read:

21 (2) "intensive management" means management of an identified big
22 game prey population for sustained yield through active management measures to
23 enhance, extend, and develop the population to maintain high levels or provide for
24 higher levels of human harvest, including control of predation and prescribed or
25 planned use of fire and other habitat improvement techniques.

26 * Sec. 3. AS 16.05.255(g) is amended by adding new paragraphs to read:

27 (3) "harvestable surplus" means the number of animals that is estimated
28 to equal the number of offspring born in a game population during a year less the
29 number of animals in the population that die from all causes, other than predation or
30 human harvest, during that year;

31 (4) "high level of human harvest" means the achievement of a

1 minimum rate of success by hunters of at least 25 percent;

2 (5) "sustained yield" means the achievement and maintenance in
3 perpetuity of a high level of human harvest of game, other than mammalian predators,
4 on an annual or periodic basis.

5 * Sec. 4. AS 16.05.255 is amended by adding a new subsection to read:

6 (h) The Board of Game shall establish population and harvest objectives and
7 adopt other regulations to promote a high level of harvest by humans of identified big
8 game prey populations.

9 * Sec. 5. AS 16.05.270 is amended to read:

10 Sec. 16.05.270. Delegation of authority to commissioner. (a) For the
11 purpose of administering AS 16.05.251 and 16.05.255, each board may delegate
12 authority to the commissioner to act on [IN] its behalf.

13 (b) If a board delegates authority to the commissioner to act on its behalf,
14 the commissioner shall cooperate with and assist the board by implementing
15 regulations, management plans, and other management programs as requested by
16 the board.

17 (c) If there is a conflict between the board and the commissioner on proposed
18 regulations, public hearings shall be held concerning the issues in question. If, after
19 the public hearings, the board and the commissioner continue to disagree, the issue
20 shall be certified in writing by the board and the commissioner to the governor, who
21 shall make a decision. The decision of the governor is final.

22 * Sec. 6. AS 16.05 is amended by adding a new section to article 7 to read:

23 Sec. 16.05.911. Preferences among beneficial uses of game. The highest and
24 best use of game is personal and family use for food. The other beneficial uses of
25 game, in order of preference, include

26 (1) commercial use, including trapping and guiding; and

27 (2) nonconsumptive use, for commercial and noncommercial purposes.

HOUSE BILL NO. 414

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KELLY

Introduced:
Referred:

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8 best use of game is personal and family use for human consumption. The other
9 beneficial uses of game, in order of preference, include

10 (1) commercial use, including trapping and guiding; and

11 (2) nonconsumptive use, for commercial and noncommercial purposes.

ARTICLE VIII. NATURAL RESOURCES.

SECTION 1. STATEMENT OF POLICY. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

SECTION 2. GENERAL AUTHORITY. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

SECTION 3. COMMON USE. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

SECTION 4. SUSTAINED YIELD. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

SECTION 5. FACILITIES AND IMPROVEMENTS. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

SECTION 6. STATE PUBLIC DOMAIN. Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

SECTION 7. SPECIAL PURPOSE SITES. The legislature may provide for the acquisition

of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

SECTION 8. LEASES. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

SECTION 9. SALES AND GRANTS. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

SECTION 10. PUBLIC NOTICE. No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

SECTION 11. MINERAL RIGHTS. Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the

performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

SECTION 12. MINERAL LEASES AND PERMITS. The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

SECTION 13. WATER RIGHTS. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

SECTION 14. ACCESS TO NAVIGABLE WATERS. Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

SECTION 15. NO EXCLUSIVE RIGHT OF FISHERY. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

SECTION 16. PROTECTION OF RIGHTS. No person shall be involuntarily divested of his right to the use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law.

SECTION 17. UNIFORM APPLICATION. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

SECTION 18. PRIVATE WAYS OF NECESSITY. Proceedings in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

ARTICLE IX. FINANCE AND TAXATION.

SECTION 1. TAXING POWER. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

SECTION 2. NONDISCRIMINATION. The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the

Alaska State Legislature

SENATOR
BERT SHARP

DISTRICT P

CO-CHAIRMAN
SENATE FINANCE COMMITTEE

MEMBER
RESOURCE COMMITTEE



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DENALI BANK BUILDING
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Senate

January 14, 1998

Alaska Department of Fish and Game
Game Board Support Section
P.O. Box 25526
Juneau, AK 99802-5526

PLEASE REGARD THIS AS OFFICIAL TESTIMONY FOR THE FOLLOWING BOARD MEETING AND DISTRIBUTE TO EACH BOARD MEMBER:

Re: Bethel Game Board Meeting - Under Proposed Topics - Intensive Management, including Definitions (pages 2-5)

Attn: Game Board Members

I wish to comment on Proposal 4 - 5 AAC 92.990. DEFINITIONS. Each of these definitions are seriously flawed. First and the most erroneous is the shortcomings of the "Harvestable Surplus" definition.

How in God's name can you define harvestable surplus by not including the largest harvesters of all predation. Are not the animals taken by predators not harvested?

Is the Department and the Board acknowledging that they will do nothing to manage the level of predator harvest of big game prey populations? To put forward a definition of "harvestable surplus" that is based only on allowable human harvest is to ignore the harvest of 85 to 90 percent of the actual total harvest.

Harvestable surplus must be arrived at by including the pluses, newborn animals, less the natural die off estimate. The result is the harvestable surplus that is then subject to allocation goals by the Board to human harvest, predator harvest and herd size enhancement if needed.

I strongly urge that the Board adopt the following definition:

"harvestable surplus" means the estimated number of animals that is equal to the number of offspring born in a game population during the year less the number of animals in the population that die during the year from all causes other than predation or human harvest.

To adopt the Department's proposal would be a charade and legitimize future abdication of management responsibilities for controlling predator prey harvest, resulting in justifying total harvest allocation to predators in times of scarcity.



REPRESENTING
GOLDEN HEART
OF ALASKA

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Next, the "Harvest Objective" definition is not needed. What is needed is a definition of "high level of human harvest" as this is the term presently in statute AS 16.05.255(g)(2) and which begs for definition. I urge the adoption of the following in lieu of the Department's proposed harvest objective:

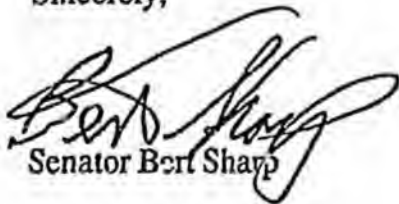
"high level of human harvest" means the harvest of one-quarter or more of the harvestable surplus of a game population by humans.

Last, the Department's "Population Objective" definition should not be considered. The following definition should be adopted to be consistent with existing statute and constitution terminology:

"sustained yield" means the achievement and maintenance in perpetuity of a high level of human harvest of game, other than mammalian predators, on an annual or periodic basis.

The adoption of the above three definitions that I have proposed will provide clear, consistent, meaningful direction and more closely conforms to the present laws of our state and the intent therein.

Sincerely,



Senator Bert Sharp

Alaska Department of Fish and Game
 Boards Support Section
 P.O. Box 25526
 Juneau, AK 99802-5526



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Bill Hager
 Registered Guide
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 Fairbanks AK 99701

ALASKA BOARD OF GAME
WINTER 1998 MEETING
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(Option 1) the population is accessible to a human population capable of utilizing at least 50 percent of the estimated harvestable surplus
(Option 2) the average historic harvest has been at least 50 percent of the harvestable surplus;

3. utilization for meat: a population that is used primarily for food; and
4. level of hunter demand: as reflected by total hunter effort, number of applications for permits or other indicators;

(b) establish population objectives and harvest objectives for each identified big game prey population consistent with maintaining near maximum sustainable yield from the population, taking into consideration:

1. effects of weather, habitat capability, diseases and parasites;
2. maintenance of viable predator populations;
3. maintenance of habitat conditions suitable for non-target species;
4. effects on subsistence users;
5. cost, feasibility and potential effectiveness of possible management actions;
6. land ownership patterns within the range of the population; and
7. degree of accessibility to harvest;

(c) consider that depletion of a big game prey population or reduction of the productivity of a big game prey population has occurred when:

- (1) the harvestable surplus is less than the "harvest objective" for the population, and
- (2) the population size is less than the "population objective for the population";

(d) determine whether a finding under (c) of this section may result in a significant reduction in the allowable human harvest of the population; and

(e) not consider as significant:

- (1) any reduction in taking that continues to allow a level of harvest equal to or greater than the minimum harvest objective established by the board, or
- (2) any reduction in taking that is intended or expected to be of a short-term and temporary nature and is necessary for the conservation of the population.

ISSUE: The board is directed by AS 16.05.255 (e) to adopt regulations providing for intensive management of identified big game prey populations when the following three criteria exist:

- (1) consumptive use of the big game prey population is a preferred use;
- (2) depletion of the big game prey population or reduction of the productivity of the big game prey population has occurred and may result in a significant reduction in the allowable human harvest of the populations; and
- (3) enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.

The first step the board must take to implement this statutory mandate is to identify the ungulate populations that are important for providing high levels of human consumptive use. The four criteria identified in this proposals relate directly to the importance of a population to humans for consumption.

The second step is to establish the population objectives and harvest objectives, or human consumptive use goals of the board. The board believes the legislature's intent in adopting AS 16.05.255(e)-(g) is to mandate the board to provide for management of identified big game prey populations near the maximum sustainable yield for human consumption. The proposed

regulation identifies the factors the board will consider in establishing objectives consistent with this intent.

To implement the law, the board must also determine whether an identified big game prey population is depleted or its productivity is reduced. However, "depletion" and "reduction" are both relative terms. To determine whether a population is "depleted" or the productivity is "reduced" requires a comparison between the current size or productivity level and some pre-established standard. To ensure the consistent application of the law, the board is establishing a uniform framework for making these comparisons. Given the relationship between the intensive management law and harvest for human consumptive use from identified big game prey populations, these standards should relate to the size and available harvest from the population.

AS 16.05.255(f) restricts the board's authority to adopt any regulations that will "significantly reduce the taking of an identified big game prey population" unless certain actions are taken or certain circumstances apply. The statute provides no guidance as to what constitutes a "significant" reduction. To provide consistency, yet allow the board sufficient flexibility to establish regulations as appropriate, the board needs to adopt standards for how it will determine what does, or does not, constitute a "significant" reduction in allowable take.

This proposal specifies the board will not consider "significant" any reduction in harvest that fails to lower the take below the minimum established board harvest objective. Similarly, the board will not consider "significant" those reductions that may impose a harvest less than the minimum harvest objective, but which are intended and expected to be temporary, such as may be necessary to reduce the taking of antlerless moose for one or two years to allow a population to rebound following a severe winter. The board may consider significant those reduction in harvest due to regulations designed to result in a harvest less than the minimum established harvest objective for a prolonged or indefinite period of time. See also Proposal 4.

WHO WILL BENEFIT: Everyone will benefit from consistent application of the statute.

WHO WILL SUFFER: No one.

OTHER SOLUTIONS CONSIDERED: Do not adopt a consistent approach for implementing the law. This was rejected as both inefficient and prone to litigation.

PROPOSED BY: Alaska Department of Fish and Game and Department of Law at the request of the Board of Game (HQ-98W-G-042)

PROPOSAL 4 - 5 AAC 92.990. DEFINITIONS. Adopt the following definitions to apply to implementation of AS 16.05.255(e)-(g):

☐ "Harvestable Surplus" means the number of animals, estimated by the department, that can be removed by human harvest from a population or portion of a population on an annual basis without reducing the population below the population objective, preventing growth of the population toward the population objective at a rate set by the board, or altering the composition of the population in a biologically unacceptable manner.

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() "Harvest Objective" is the human consumptive use goal set by the board in consultation with the department, and means the number of animals to be made available for human harvest from a population or portion of a population on an annual basis.

() "Population Objective" means the desired size of a population or portion of a population, set by the board in consultation with the department.

ISSUE: Regulations proposed to implement AS 16.05.255(e)-(g) use these terms to provide clear guidance to the board, department and public with respect to intensive management of identified big game prey populations. These definitions explain what each term means and who (i.e., department or the board) is responsible for determining the number, or range of numbers. These definitions are needed to ensure consistent application of the law and to provide sound management planning and action. Population and harvest objectives will generally be established as a range to provide high levels of human consumptive use. See also Proposal 3.

WHAT WILL HAPPEN IF NOTHING IS DONE: Without clear definitions, the board's application of the statute may be inconsistent.

WHO WILL BENEFIT: Everyone will benefit from clear, consistent definitions.

WHO WILL SUFFER: No one.

OTHER SOLUTIONS CONSIDERED: Adopt the definitions into statute. This was rejected as the terms defined are used in regulations, therefore, the definitions should be in regulation.

PROPOSED BY: Alaska Department of Fish and Game and Department of Law at the request of the Board of Game (HQ-98W-G-043)

PROPOSAL 5 - 5 AAC 92.005(2)(3)(4). POLICY FOR CHANGING BOARD AGENDA.
Amend this regulation as follows:

...
(2) ... a request must be sent to the executive director [DEPUTY DIRECTOR] of the boards support section [DIVISION OF BOARDS] at least 45 days before a scheduled meeting...

(3) the executive director [DEPUTY DIRECTOR] shall attempt to obtain comments...

(4) ... the executive director [DEPUTY DIRECTOR] shall notify the public...

ISSUE: In 1994 the Division of Boards became the Boards Support Section, with corresponding changes in staff titles. This proposal is a housekeeping proposal to reflect those changes in the regulations.

WHAT WILL HAPPEN IF NOTHING IS DONE?

WHO IS LIKELY TO BENEFIT?