

HB

26

Alaska State Legislature

Co-Chair Resources Committee
Special Committee on Oil & Gas
Legislative Council
Community and Regional Affairs
Fisheries



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State Capitol
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Representative Scott Ogan

House District 27

Sponsor Statement HB-26

I have introduced HB-26 (HB-313 last session), because the need to provide our wildlife specialists with the proper management tools is extremely important, especially in areas identified as needing intensive management. In light of Ballot Initiative #3 being approved, it is even more important we pass HB-26. Without sufficient latitude, it is difficult for the Department of Fish and Game and Board of Game to meet the requirements of sustained yield management under Article VIII of our State Constitution.

To maintain a healthy population of moose, caribou, and sheep for both human and natural (secondary) harvest the Department and Board of Game have few choices once hunting has been reduced or eliminated. One of the only practical remaining options to further decrease mortality of ungulates is a reduction in natural predation. To assist the Department in meeting their sustained yield goals, HB-26 provides increased incentives for nonresident hunters who consider the purchase of a big game tag to harvest wolves.

These hunters are generally under the supervision of a professional guide which requires a more closely monitored entry into the field. This, together with more stringent reporting requirements of animals both taken and shipped, gives the Department a very well controlled tool in attaining the scientifically established population goals for a given area.

It should be noted, that of the some 10,000 nonresident who typically hunt in Alaska annually, less than 3% purchase tags for harvesting a wolf. The main reason for low tag sales is the opportunity to harvest a wolf is remote at best. Consequently, most hunters are unwilling to pay a large sum of money with such poor odds. By establishing a more reasonable price on tags, the Department should see a significant rise in sales which will in turn put more dollars into the Fish and Game Fund while also increasing the incidental take of wolves.

In summary, HB-26 will provide a wider latitude for the Board of Game in making adjustments to meet the needs of both human and secondary utilization of our important ungulate resources while increasing the revenues for better management. I urge your support for this modification as provided in HB-26.

Thank you.

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HB-26 (Original)

SECTION by SECTION ANALYSIS

Section 1. AS 16.05.340 (a) (15) amended (J)

(J) Reduces the big game wolf tag fee for nonresident hunters from \$175.00 to \$30.00.

Adds language to eliminate the wolf tag requirement for nonresident hunters in units the Board of Game have identified as needing intensive management.

Section 2. AS 16.05.340 (a)(21) amended (K)

(K) Reduces the big game wolf tag fee for nonresident aliens hunters from \$250.00 to \$50.00.

Adds language to eliminate the wolf tag requirement for nonresident alien hunters in units the Board of Game has identified as needing intensive management.

Section 3.

Establishes January 1, 1998 as the effective date of the Act.

SENATE COMMITTEE REPORT

DATE: 3/7/97

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 3/26/97

Resources Committee considered HOUSE BILL NO. 26

"An Act relating to big game tags for wolves; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR^o _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Adrian L. Taylor</i>	✓				
<i>Lynda Green</i>	✓				
<i>Thomas D. Luman</i>	✓				
CHAIR: <i>Rick Halford</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

FISCAL NOTE

Bill Version: HB 26

(H) Publish Date: 1/31/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Big Game Tags for Wolves BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Representative Ogan
 Requester: House Resources COMPONENT SERIAL NO. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	3.6	3.6	3.6	3.6	3.6	3.6
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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)

Reduced fees may be an incentive for more nonresidents and nonresident aliens, who come to Alaska to hunt other big game species, to purchase big game tags for wolves. Sales estimates are based on the following assumptions: (1) average annual nonresident and alien licensees will remain constant at 8,050 and 310, respectively; (2) 53% of nonresident/alien hunters who indicated an unwillingness to pay any more for their hunts* will not purchase wolf tags; (3) of the remainder, 30% of hunters who oppose wolf control* will not purchase wolf tags; (4) of the remainder, 50% of hunters who do not already purchase wolf tags, will purchase wolf tags (assumption #4 is speculative). Using these assumptions, the number of nonresident/alien wolf tags sold annually will increase from the present 215/30 to 1500/75.

*from: D.W. McCollum and S.M. Miller, 1994, Alaska voters, Alaska hunters, and Alaska nonresident hunters: their wildlife related trip characteristics and economics and their characteristics and attitudes toward wildlife.

Prepared by: Phil Koehl, Wildlife Biologist *PK*
 Division: Wildlife Conservation
 Approved by Commissioner: *Omer Bruce*
 Agency: Alaska Department of Fish and Game

Phone: 465-4190
 Date: 1/17/97
 Date: 1/21/97

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(e) The Board of Game shall adopt regulations to provide for intensive management programs to restore the abundance or productivity of identified big game prey populations as necessary to achieve human consumptive use goals of the board in an area where the board has determined that

- (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 population; and
- (3) enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.

(f) The Board of Game may not significantly reduce the taking of an identified big game prey population by adopting regulations relating to restrictions on harvest or access to the population, or to management of the population by customary adjustments in seasons, bag limits, open and closed areas, methods and means, or by other customary means authorized under (a) of this section, unless the board has adopted regulations, or has scheduled for adoption at the next regularly scheduled meeting of the board regulations, that provide for intensive management to increase the take of the population for human harvest consistent with (e) of this section. This subsection does not apply if the board

(1) determines that intensive management would be

- (A) ineffective, based on scientific information;
- (B) inappropriate due to land ownership patterns; or
- (C) against the best interest of subsistence uses; or

(2) declares that a biological emergency exists and takes immediate action to protect or maintain the big game prey population in conjunction with the scheduling for adoption of those regulations that are necessary to implement (e) of this section.

(g) In this section,

(1) "identified big game prey population" means a population of ungulates that is identified by the Board of Game and that is important for providing high levels of harvest for human consumptive use;

(2) "intensive management" means management of an identified big game prey population to enhance, extend, and develop the population to maintain high levels or provide for higher levels of human harvest, including control of predation and prescribed or planned use of fire and other habitat improvement techniques. (§ 3 ch 206 SLA 1975; am § 5 ch 151 SLA 1978; am §§ 10, 11 ch 132 SLA 1984; am §§ 4, 5, 12 ch 52 SLA 1986; am § 1 ch 6 SLA 1989; am § 2 ch 13 SLA 1994; am § 2 ch 54 SLA 1996)

Cross references. — For restriction on maximum area of land that may be closed to multiple uses without an act of the state legislature, see AS 38.05.300(a).

For legislative findings in connection with the enactment of (e)-(g) of this section, see § 1, ch. 13, SLA 1994 in the Temporary and Special Acts.

Effect of amendments. — The 1989 amendment, effective June 11, 1989, added the provision beginning "including regulations" at the end of paragraph (a)(3).

The 1994 amendment, effective July 11, 1994, added subsections (e)-(g).

The 1996 amendment, effective September 4, 1996, in subsection (a), inserted "taking," in paragraph (3), added paragraph (11), and made minor stylistic changes.

Opinions of attorney general. — Neither the Board of Game nor the Department of Fish and Game has jurisdiction over domestic animals. August 29, 1979 Op. Att'y Gen.

Permitting authority over live game, that is, nondomestic animals, rests with the Board of Game

as implemented by the Department of Fish and Game. August 29, 1979 Op. Att'y Gen.

For discussion of compatibility of state subsistence-use law with federal standards as set forth in Alaska National Interest Lands Conservation Act (16 U.S.C. § 3115 et seq.), see 1981 Op. Att'y Gen. No. 11.

The Board of Game has general authority to regulate the live capture and possession of game under AS 16.05.255(a)(8). Apr. 2, 1987 Op. Att'y Gen.

Under 16.05.255(a)(5), (a)(8), and (d) and AS 16.05.258, the board's authority to regulate uses of elk in the wild is not diminished under ch. 88, SLA 1987. That act does not alter the broad statutory definitions of "game" or "domestic mammals" in AS 16.05.940(8) and (17), respectively, which define the scope of the board's authorities under AS 16.05.255. Jan. 18, 1988 Op. Att'y Gen.

AS 16.05.255(8) does not presently authorize the Board of Game to enter into cooperative agreements. Mar. 14, 1988 Op. Att'y Gen.

The Board of Game is the proper entity to regulate the possession and propagation of game birds as pets.

Apr. 2, 1987 Op. Att'y Gen.
For purposes of co-utilization, the Board to regulate seasons, sport and subsistence i Gen.

The board's general regulate subsistence h tion, development, and with the statutory defini include both taking a board to regulate post-Att'y Gen.

The Board of Game .

• Recreational hunt Privileges and Imm. ational hunting is not a Privileges and Immunit stitution. Shepherd v. § 897 P.2d 33 (Alaska 198

Limiting non-resid- into the Commerce C is not an article of com: Clause purposes. Thus Commerce Clause only interstate commerce arc to the putative local be present case, the reside. pose of conserving scarce residents; this unquestio state interest. Shepher Game, 897 P.2d 33 (Alas

This section explici discretionary policym: not reasonably be read as: Morry v. State, 872 P.2d

Considerations in ne lations. — The boards of discretion to adopt reg needs, customs, and tra: but they are not mandate their subsistence regulati 358 (Alaska 1992).

Establishment of qu dance with the Adm: (AS 44.62). State v. Tanar 583 P.2d 854 (Alaska 197:

Limits on non-resid: tional. — Under the fede the state has a special int: within its boundaries r allocational preferences to users. Thus, subsection (limit non resident huntin herd v. State, Dep't of F: (Alaska 1995).

Sec. 16.05.256. No necessary to restrict t take big game can be the Board of Game i nonresidents and non

Sec. 16.05.257. Sub