

SB

68

**<TARGET><BILL>SB 68</BILL><SUBJECT>SB
68</SUBJECT><COMM>SRES29</COMM></TARGET>**

ALASKA STATE LEGISLATURE

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North to the Future

Senator Cathy Giessel
Senate District N

SPONSOR STATEMENT FOR SENATE BILL 68

SB 68 is the beginning of a statewide conversation regarding antlerless moose hunts and the responsibilities of the Department of Fish and Game, the Board of Game and local Advisory Councils in regulating these hunts. There have been ongoing concerns regarding the use of antlerless moose hunts and the philosophy and science behind this management tool.

Antlerless moose hunts benefit Alaskans and enhance public safety. SB 68 assures Alaskans are not disenfranchised from Board of Game approved hunting opportunities provided through antlerless moose hunts. Currently, when a person applies for an antlerless moose hunt, the hunt can be cancelled after applications and fees have been accepted. This bill prohibits a closure of an antlerless moose hunt by a local Advisory Committee once applications have been accepted by the Department of Fish and Game but would still allow emergency closures by the commissioner or designee of the Department of Fish and Game. This results in more Alaskans being able to hunt and put moose meat on the table. SB 68 also provides for public safety by supporting antlerless hunts in areas experiencing increased moose and vehicle collisions and unexpected moose encounters with the public in local recreational areas.

SB 68 removes the yearly requirement by local Advisory Committees and the Board of Game to approve antlerless moose hunts and the approval of the yearly elimination of the resident brown bear tag fee, by placing both these approvals on the Board of Game meeting cycle which occurs every three years. SB 68 retains the right of local Advisory Committees to approve these hunts, but limits this approval to regularly scheduled Board of Game meetings for the area in which the hunts occur.

I invite everyone to join in the conversation to make this needed change to assure Alaskans are not disenfranchised from hunting opportunities and that by doing so we continue to provide safe roadways and recreational areas for our residents.

[Senator Cathy Giessel@akleg.gov](mailto:Senator_Cathy_Giessel@akleg.gov)

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SECTIONAL ANALYSIS

Senate Bill 68

*Section 1: Amends AS 16.05.260

Conforms to changes made in AS 16.05.780 by making an exception for antlerless moose seasons.

*Section 2: Amends AS 16.05.340(a)(16)

Removes the yearly requirement for the Board of Game to eliminate the resident brown bear tag fee.

*Section 3: Amends AS 16.05.780(a)(1) and (2)

Removes the yearly requirement for the Department of Fish and Game and local advisory committees to give recommendations regarding antlerless moose hunts.

*Section 3: Amends AS 16.05.780(b)

Allows the Board of Game at its regular meeting to approve an antlerless moose hunt in game management unit or subunit. The season may not be closed until the next regular scheduled Board of Game meeting.

*Section 4: Adds a new subsection

The advisory committee with jurisdiction over the unit or subunit may not effect an emergency closure in that unit if the department has collected application fees for that hunt.

Chair Senate Resources Committee | Vice-Chair Health & Social Services | Vice-Chair Labor & Commerce

Senator.Cathy.Giessel@akleg.gov



ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

SEN. CATHY GIESSEL
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Sen. Mia Costello, Vice-Chair
Sen. Peter Micciche
Sen. Bert Stedman

Sen. John Coghill
Sen. Bill Stoltze
Sen. Bill Wielechowski

List of Invited Testifiers:

Senate Bill 68:

Al Barrett

Mike Tinker

Doug Vincent Lang

March 26, 2015

Re: SB68

Madam Chair Giessel and members of the Senate Resources Committee,

Thank you for the opportunity to provide comments on SB68. I am a retired wildlife biologist having served 28 years with the Department of Fish and Game. The majority of that time was on the Kenai where I worked closely with the five local Advisory Committees (ACs). Following retirement, 2002, I was appointed to the Board of Game and am currently serving my fifth term, and I am the chairman. This experience allowed me to work with the 84 ACs across the state. I believe all but a couple ACs will support this bill.

The following statements are my personal comments and are not meant to represent the Board of Game, only my experience working with ACs and the Board process involving antlerless moose hunts.

For the 2015 hunting season, 18,351 individuals submitted 52,008 applications to the Department in hopes of winning a permit to harvest an antlerless moose. At five dollars per application fee, the Department collected 260,040 dollars to help pay for management of wildlife. This level of interest and revenue will continue to increase with implementation of active management programs focused on increasing moose numbers and hunter's opportunities to fill their freezers.

Passage of SB68 will benefit the Board process by saving time if we are not required to address antlerless hunts annually but the larger benefit will be realized by the 84 ACs and Department. Since antlerless hunts must be reauthorized annually, the Department is required to submit a proposal and provide recommendations for each hunt that goes out to ACs for comment, however, not all ACs are required to submit comments. The Board designed areas of jurisdiction, SAAC 98.005, and established the requirement that a majority of ACs in the Game Management Unit or Subunit must approve an antlerless hunt before it can be addressed by the Board. I may have overlooked some but in my 40 years of experience, I can only recall one case where AC approval was not achieved and the Board was not allowed to address an antlerless moose hunt. This was during a recent Board meeting in Anchorage requesting an antlerless moose hunt in Kincaid Park, where only two of the three ACs having jurisdiction voted, with one in favor and one opposed.

SB68 will not remove an AC's authority to veto an antlerless moose hunt. It will, however, delay such action to the following year so individuals that applied for a permit do not lose their chance to be selected. The department does not return the application fee (\$5) but the larger loss is their hopes of winning a special permit. ACs generally hold their meetings during mid-winter or just following the new year, the deadline for submitting permit applications ends December 15. By delaying ACs veto action, the Department can withdraw the hunt before hunters submit applications. The number of applications received for several of these hunts exceeds 4,000.

I urge you to support SB68 and thank you for your service.

Best regards, Ted Spraker 262-9592 (Soldotna)

Vivian Stiver

Subject: SB 68

From: Bob Ermold [<mailto:bermold@kpbsd.k12.ak.us>]

Sent: Thursday, March 26, 2015 1:16 PM

To: Sen. Cathy Giessel

Subject: SB 68

Dear Senator Giessel,

I am writing to you today to voice my support of Senate Bill 68. I have been a member of the Kenai/Soldotna Fish and Game Advisory Committee for the past five years and I currently serve as the Vice-Chair. During my time on this committee it has been cumbersome to have to re-authorize the antlerless moose hunts each year, particularly when it is out of cycle of statewide and regional meetings. With the Board of Game cycle now moving to a three-year rotation, it would make sense to extend the re-authorization period of these hunts to three years as well so that it falls within the timelines of this new cycle. Although we have not discussed this as an entire group (and I'm not at liberty to speak on their behalf), based on previous discussions, I would venture to guess that our committee would be in support of this as well. I appreciate your time and consideration in this matter.

Respectfully,

Bob Ermold, Vice Chairman

Kenai/Soldotna Fish and Game Advisory Committee

LEGAL SERVICES

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MEMORANDUM

March 27, 2015

SUBJECT: Authority of the commissioner of fish and game or a designee to close an antlerless moose hunt under SB 68 (Work Order No. 29-LS0604\W)

TO: Senator Cathy Giessel
Attn: Vivian Stiver

FROM: Alpheus Bullard *UAB*
Legislative Counsel

Ms. Stiver asked me to clarify whether, under the provisions of SB 68, the commissioner of fish and game (commissioner) or a designee may close an antlerless moose season by emergency order.

Short answer

If SB 68 becomes law, the commissioner and certain designees of the commissioner¹ may close an antlerless moose hunt by emergency order.

Summary of applicable provisions of SB 68

Sections 1, 3, and 4 of SB 68 relate to who may close an antlerless moose season.²

Section 1 Conforms AS 16.05.260 to the changes made by secs. 3 and 4 of the bill to AS 16.05.780.

Section 3 Amends AS 16.05.780(b), adding language that states, in part, "[i]f the board [of game] adopts a regulation allowing the taking of antlerless moose in a game management unit or subunit, the season or area may not be closed until the next regularly scheduled game board meeting for the region[.]"

¹ While the bill does not limit the power of the commissioner or a designee to close an antlerless moose season by emergency order under AS 16.05.060, it does prohibit an advisory committee or the board of game from closing an antlerless moose season in certain situations. Accordingly, legal issues might arise if the commissioner selected one of these entities to act as the commissioner's "authorized designee" in closing certain antlerless moose hunts by emergency order. It is also possible that the bill's provisions will be interpreted to prohibit these entities from serving as "authorized designees" in situations under which their powers are limited by the bill.

² The bill has two other sections. Section 2 relates to resident big game tags. Section 5 provides the bill with an effective date.

Section 4 Adds a new subsection to AS 16.05.780. The new subsection "(c)" prohibits an advisory committee from closing an antlerless moose season in a game unit or subunit if the department has collected application fees for that antlerless moose season in that unit or subunit.

Discussion

While the language added to AS 16.05.780(b) by sec. 3 of the bill reads as if no one may close an antlerless moose season that has been authorized by regulation for a unit or subunit until the next regularly scheduled game board meeting for the region in which that unit or subunit is located -- this subsection does not affect the commissioner's statutory authority to close the antlerless moose season by emergency order in that unit or subunit.

The changes to AS 16.05.780 must be read in the context of the entirety of chapter AS 16.05. The commissioner's power to issue emergency orders is codified at AS 16.05.060.³ That section provides in relevant part "*[t]his chapter [AS 16.05] does not limit the power of the commissioner or an authorized designee, when circumstances require, to summarily open or close seasons . . . by means of emergency orders.*" Accordingly, while the provisions of the bill limit the authority of advisory committees and the board of game to close an antlerless moose season in certain situations, the bill's provisions, as statutory sections codified in AS 16, are still subject to the power of the commissioner or an authorized designee,⁴ to close an antlerless moose season by emergency order.

If you have further questions, please do not hesitate to contact me.

TLAB:dla
15-225.dla

³ That section provides:

Sec. 16.05.060. Emergency orders. (a) This chapter does not limit the power of the commissioner or an authorized designee, when circumstances require, to summarily open or close seasons or areas or to change weekly closed periods on fish or game by means of emergency orders.

(b) The commissioner or an authorized designee may, under criteria adopted by the Board of Fisheries, summarily increase or decrease sport fish bag limits or modify methods of harvest for sport fish by means of emergency orders.

(c) An emergency order has the force and effect of law after field announcement by the commissioner or an authorized designee. An emergency order adopted under this section is not subject to AS 44.62 (Administrative Procedure Act).

⁴ See note 1.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 68
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB068-DFG-WCD-03-20-15
Title: ANTLERLESS MOOSE SEASONS; CLOSURES
Sponsor: GIESSEL
Requester: Senate Resources Committee

Department: Department of Fish and Game
Appropriation: Wildlife Conservation
Allocation: Wildlife Conservation
OMB Component Number: 473

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version.

Prepared By: Bruce Dale, Acting Director
Division: Wildlife Conservation
Approved By: Sunny Haight, Administrative Services Director
Agency: Fish and Game

Phone: (907)861-2101
Date: 03/20/2015 04:30 PM
Date: 03/20/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB 68

Analysis

Senate Bill 68 would change the annual required Advisory Committee authorization of antlerless moose hunts to only require re-authorization at every regularly scheduled Board of Game meeting for that area, which is every 3 years. It would also allow the Board of Game to waive resident brown bear tag fees indefinitely instead of having to authorize the waiver every year.

The Division of Wildlife Conservation may see some reduced travel to Board of Game meetings to assist them with making these determinations, but at this point those savings would be inappreciable to the Division.