

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

3567 HRES HB 407 - HB 417

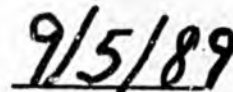
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RECORDS CERTIFICATION

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Signature of Camera Operator


Date

HB

407

Offered: 2/28/86
Referred: Rules

Original sponsors: Shultz, Marrou
and Thompson

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 (Rules) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of, and certain reports
7 and records concerning game animals."

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

added Trapping

9 * Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.783. USE OF GAME AS BAIT. (a) A person may use as
11 bait the following parts of a dead big game animal:

12 (1) the skin, viscera, bones, skinned carcass of bear,
13 head, legs below the distal joint of the tibia-fibula (stifle joint),
14 tallow, fat, trimmings, and hide, except the hide of a bear;

15 (2) the meat that is not edible meat from a big game animal
16 that is found dead from natural causes if the person does not disturb
17 the animal and notifies either the department or the Department of
18 Public Safety of the use and the approximate location where the dead
19 animal was found at the earliest opportunity; and

20 (3) the edible meat that is determined by the department or
21 the Department of Public Safety in a particular situation to be non-
22 edible if the animal was killed by a motor vehicle and if the person
23 obtains the written permission of either department for the use.

24 (b) In this section,

25 (1) "dead from natural causes" includes death caused by
26 another animal;

27 (2) "edible meat" means the meat of the ribs, neck, bris-
28 ket, front quarters as far as the juncture of the humerus and the
29 radius-ulna (knee), hindquarters as far as the distal joint of the

Revised Deleted
Revised

*Deleted
(not needed)*

*Revised
to make
sure
has access
to non-
confidential
records.*

1 tibia-fibula (stifle joint), and that portion of the animal between
2 the front and hindquarters; "edible meat" does not include meat that
3 has been damaged and made inedible by the method of taking;

4 (3) "taking" does not include causing death by a vehicle;

5 (4) "trimmings" means the parts of butchered game animals
6 that are not edible meat and customarily discarded during the butcher-
7 ing process.

8 * Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

9 (c) A report or record that is required by regulations of the
10 department concerning the taking, sealing, acquisition of the untanned
11 skin, or exportation from the state of the fur, of a game animal taken
12 by trapping or hunting and that identifies an individual trapper or
13 hunter is confidential and may be released by the department only

14 (1) to the Department of Revenue to assist that department
15 in carrying out its statutory responsibilities;

16 (2) as necessary to comply with a court order;

17 (3) on request, the report that accompanies the sealing of
18 a game animal to the person who is identified in the report as having
19 taken the game animal; and

20 (4) to the division of fish and wildlife protection of the
21 Department of Public Safety to assist that department in carrying out
22 its statutory responsibilities.

23 (d) Except to the extent necessary to prosecute a criminal
24 action based on a record or report that is confidential under (c) of
25 this section, a department that receives a confidential record or
26 report from the department under (c) of this section shall also main-
27 tain the confidentiality of the record or report.

28 (e) A record or report received by the department that relates
29 to the taking, sealing, acquisition of the untanned skin, or

~~2015/06/04~~
2015/06/04

Deleted
(not needed)

Put in
→
penalty provision
for violators

1 exportation from the state of the fur, of a game animal taken by
2 trapping or hunting and that does not identify an individual trapper
3 or hunter or the specific location where an animal has been taken is
4 public information.

5 (f) In this section, "sealing" means the placement of a seal by
6 the department on a portion of the carcass of a game animal taken by
7 trapping or hunting.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHR 407 (Rules) am
 Title : re the use of & certain reports
& records concerning game animals

Sponsor : Shultz, Marrou & Thompson
 Requestor : Senate Resources
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	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

K. Miller
 Prepared by : Captain J. R. Nutgrass *JRN* Phone : 269-5509
 Division : Fish & Wildlife Protection Date : 3/18/86

Approved by Commissioner : *[Signature]* Date : 3/19/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSHB 407 (R1s) am

NEUTRAL

March 18, 1985

CSHB 407 (Rules) am - "An Act relating to the use and sealing of certain game animals."

The Department of Public Safety is neutral on CSHB 407 (R1s) am.

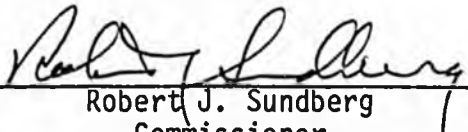
The parts of game as defined will not create an enforcement problem, and will serve to clarify and eliminate any past practices where non-edible parts, if used, could be considered a violation of regulations.

By allowing the trapper to set traps in the vicinity of a big game animal found dead by natural causes, if not disturbed, would not pose a problem for the Department.

The reporting requirement is realistic that a trapper who uses a big game animal found dead by natural causes must report the location at the earliest opportunity. This is particularly true of those trappers in the remote areas, where they may not have an opportunity or capability for reporting the location of a dead animal for an extended period of time.

We recommend the following on page 1, line 19, after opportunity, delete "after the use;"

We support the records and documentation on trapping and sealing information being confidential and that the Department of Public Safety has access for official business.



Robert J. Sundberg
Commissioner



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Game	BILL NUMBER HB 407	SPONSOR Representative Shultz
DEPARTMENT POSITION Neutral			
PREPARED BY Robert Hinman	DATE 1/17/86	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 1/20/86

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety Division of Boards, ADN&G	CONSTITUENT GROUP(S) AFFECTED BY BILL Trappers
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Dick

ANALYSIS OF BILL/PROGRAM EFFECTS

Existing Game Regulation 5 AAC 92.210 allows (for bait) only of the "hide, skin, viscera or bones," "skinned carcasses of bears or furbearers," "hares, rabbits and red squirrels," or unclassified game.

Not allowed by this regulation is big game meat, even though it may not be "edible" per AS 16.30. Therefore, road killed animals (big game), or meat spoiled in storage, or inedible because of being bloodshot (as examples) may not be used for bait. The Division of Fish and Wildlife Protection (Department of Public Safety) has extended this to mean that animals killed by predators may not be used as trapping sites.

HB 407 would provide that all game meat could be used as bait except that defined as edible by AS 16.30, but only if that game animal were killed in the state and by the person using it for bait. As written, it would not allow use of inedible game meat taken by another, as in road kills for instance. It also would not address the legality of using game carcasses of animals taken by predators (or other natural mortality sources) as bait.

AMENDMENTS PROPOSED

(continued)

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 407 (Rules)
 Title : An Act relating to the use and sealing of certain game animals
 Sponsor : Shultz and Marrou
 Requestor : House Rules
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept. of Fish & Game & AK Railroad
 BRU : _____
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	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

K. New

Prepared by : Captain James R. Nutgrass Phone : 269-5509
 Division : Fish & Wildlife Protection Date : 2/24/86
 Approved by Commissioner : *J. Imols* Date : 2/25/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSHB 407 (R1s)

February 24, 1986

NEUTRAL

CSHB 407 (Rules) - "An Act relating to the use and sealing of certain game animals."

The Department of Public Safety is neutral on CSHB 407 (R1s).

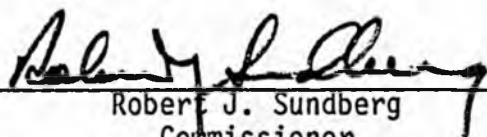
The parts of game as defined will not create an enforcement problem, and will serve to clarify and eliminate any past practices where non-edible parts, if used, could be considered a violation of regulations.

By allowing the trapper to set traps in the vicinity of a big game animal found dead by natural causes, if not disturbed, would not pose a problem for the Department.

The reporting requirement is realistic that a trapper who uses a big game animal found dead by natural causes must report the location at the earliest opportunity. This is particularly true of those trappers in the remote areas, where they may not have an opportunity or capability for reporting the location of a dead animal for an extended period of time.

We recommend the following on page 1, line 19, after opportunity, delete "after the use;"

We support the records and documentation on trapping and sealing information being confidential and that the Department of Public Safety has access for official business.


Robert J. Sundberg
Commissioner

COMMITTEE REPORT

HOUSE

2/3
Rules

(9)

FURTHER:

4/29/85

Date: 1/31/86

The Committee on RESOURCES has had HB 407
"An Act relating to the use of game as bait."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 407 (RES) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Shultz Dick Shultz

Cato Bette Cato

Jenkins Roger Jenkins

Pearce Bill Pearce

Miller (RP) M.W. Miller

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Clifford Herrmann No Rec
Herrmann

John [unclear] [unclear]
Sund

David W. [unclear] ad REC
Thompson

F. Keywallin no rec until
Wallis

review game bd action
in Rules Committee

Dick Shultz
CO-CHAIRMAN Shultz

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/10/86

REQUEST

Bill/Resolution No.: CSHB 407 (Res)
 Title: An Act relating to the use and
 and sealing of certain game animals.

Sponsor: Shultz & Marrou
 Requestor: Resources Committee
 Date of Request: 2/4/86

FISCAL DETAIL

Agency Affected: Dept. of Public Safety
 BRU: Fish & Wildlife Protection Div.

Components: Enforcement

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	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

Prepared by: J. R. Nutgrass
 Division: Fish & Wildlife Protection

Phone: (907) 269-5509
 Date: 2/10/86

Approved by Commissioner: [Signature]
 Agency: Public Safety

Date: 2/11/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSHB 407 (Res)

February 10, 1986

NEUTRAL

HB 407 - "An Act relating to the use and sealing of certain game animals."

The Division of Fish & Wildlife Protection is neutral on CS House Bill No. 407. This bill defines the non-edible parts of a big game animal that can be used as bait. These parts of game as defined would not create an enforcement problem, and should serve to clarify and eliminate any past practices, where non-edible parts, if used, could be considered a violation of regulations.

We would recommend that the wording, "the hide" be clarified, in that bear hides could not be used as bait where prohibited by regulations or law, 16.05.783(2). By not allowing a big game animal to be disturbed that is found dead by natural causes will eliminate the major concerns expressed, if the whole or parts of an animal were removed for use. This would allow the Department the opportunity for documenting the locations and numbers of dead animals that trappers are finding, which could be beneficial for management purposes.

The Department would not be opposed to traps being set in the immediate vicinity of naturally dead animal as long as the animal is not disturbed and proper notification is provided by the trapper setting the traps.

The notification requirement of three days may not be a reasonable period of time for trappers located in the more remote parts of the state.

The wording in section 16.05.783(3) could include multiple reasons for game meat not being edible. It is difficult for us to determine to what extent this section would effect the Department's ability to perform an investigation from an enforcement point of view.

It would require the Departments to perform an investigation for determining the cause of game meat now being found non-edible.

We believe this section could provide an avenue to abuse if game meat that is determined as non-edible is allowed as bait for taking fur bearing animals.

The Alaska Railroad records indicate that 253 moose were killed by trains between November 1984 and March 1985. This is a result of an abnormally heavy snow condition that lent itself to higher numbers of moose being

killed by trains. In comparison, the average number of moose killed by trains under normal snow conditions is between 25 to 30 moose yearly. In 1985 we had approximately 493 big game animals that were reported killed by vehicles on the highways of the state. These animals were salvaged for human consumption.

We support the records and documentation on trapping and sealing information being confidential and that the Dept. of Public Safety has access for official business.


Robert J. Sundberg
Commissioner

Original sponsors: Shultz and Harrou

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use and sealing of certain
7 game animals."

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

9 * Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.783. USE OF GAME AS BAIT. (a) A person may use as
11 bait the following parts of a dead big game animal:

12 (1) the hide, skin, viscera, bones, skinned carcass of
13 bear, head, legs below the distal joint of the tibia-fibula (stifle
14 joint), tallow, fat, and trimmings;

15 (2) the meat that is not edible meat from a big game animal
16 that is found dead from natural causes if the person does not disturb
17 the animal and notifies either the department or the Department of
18 Public Safety of the use and the approximate location where the dead
19 animal was found within three days of the use; and

20 (3) the edible meat that is determined by the department or
21 the Department of Public Safety in a particular situation to be
22 nonedible if the person obtains the written permission of either
23 department for the use.

24 (b) In this section,

25 (1) "dead from natural causes" includes death caused by
26 another animal;

27 (2) "edible meat" means the meat of the ribs, neck,
28 brisket, front quarters as far as the juncture of the humerus and the
29 radius-ulna (knee), hindquarters as far as the distal joint of the

1 tibula-fibula (stifle joint), and that portion of the animal between
2 the front and hindquarters; "edible meat" does not include meat that
3 has been damaged and made inedible by the method of taking;

4 (3) "taking" does not include causing death by a vehicle;

5 (4) "trimmings" means the parts of butchered game animals
6 that are not edible meat and customarily discarded during the butcher-
7 ing process.

8 * Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

9 (c) A report or record that is required by regulations of the
10 department concerning the sealing of a game animal taken by trapping
11 or hunting and that identifies an individual trapper or hunter is
12 confidential and may be released by the department only

13 (1) to the Department of Revenue to assist that department
in carrying out its statutory responsibilities;

15 (2) as necessary to comply with a court order;

16 (3) on request, the report that accompanies the sealing of
17 a game animal to the person who is identified in the report as having
18 taken the game animal; and

19 (4) to the division of fish and wildlife protection of the
20 Department of Public Safety to assist that department in carrying out
21 its statutory responsibilities.

22 (d) Except to the extent necessary to prosecute a criminal
23 action based on a record or report that is confidential under (c) of
24 this section, a department that receives a confidential record or
25 report from the department under (c) of this section shall also main-
26 tain the confidentiality of the record or report.

27 (e) A record or report received by the department that relates
28 to the sealing of a game animal taken by trapping or hunting and that
29 does not identify an individual trapper or hunter or the specific

1 location where an animal has been taken is public information.

2 (f) In this section, "sealing" means the placement of a metal
3 seal by the department on a portion of the carcass of a game animal
4 taken by trapping or hunting.
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CS HB 407

AMEND - Sund
Pg 3 line 3.

1/31/86

(f) Records or reports received by the department which do not identify individual hunters or trappers or the specific locations where animals have been taken are public information.

A3
1/30/86
Bennett
9:25 am

Original sponsors: Shultz and Marrou

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

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17 the animal and notifies either the department or the Department of
18 Public Safety of the use and the approximate location where the dead
19 animal was found within three days of the use; and

20 (3) the edible meat that is determined by the department or
21 the Department of Public Safety in a particular situation to be
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28 brisket, front quarters as far as the juncture of the humerus and the
29 radius-ulna (knee), hindquarters as far as the distal joint of the

1 tibula-fibula (stifle joint), and that portion of the animal between
2 the front and hindquarters; "edible meat" does not include meat that
3 has been damaged and made inedible by the method of taking;

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12 and that identifies an individual trapper is confidential and may be
13 released by the department only

14 (1) to the Department of Revenue to assist that department
15 in carrying out its statutory responsibilities;

16 (2) to a court under a court order;

17 (3) on request, the report that accompanies the sealing of
18 a game animal to the person who is identified in the report as having
19 taken the game animal; and

20 (4) to the division of fish and wildlife protection of the
21 Department of Public Safety to assist that department in carrying out
22 its statutory responsibilities.

23 (d) Except to the extent necessary to prosecute a criminal
24 action based on a record or report that is confidential under (c) of
25 this section, a department that receives a confidential record or
26 report from the department under (c) of this section shall also main-
27 tain the confidentiality of the record or report.

28 (e) In (c) of this section, "sealing" means the placement of a
29 metal seal by the department on a portion of the carcass of a game

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animal taken by trapping.

January 29, 1986

The Honorable Richard Shultz
Alaska State House
P. O. Box V
Juneau, AK 99811

Dear Representative Shultz:

The Game Division forwarded your request to this office concerning past board action on the use of game as trap bait.

Three times in the past four years (1982, 1984 and 1985) the board has taken up the issue of using road killed game as trap bait. Each time the board rejected the proposals because the Division of Fish and Wildlife Protection testified against such use. Protection is opposed because several days after an animal is dead it is difficult to tell the difference between animals killed for bait from those killed by auto collisions.

I have enclosed the proposals that were before the board and attached the appropriate public comments.

I appreciate the opportunity to provide you this information.

Sincerely,


Bob Larson
Assistant Executive Director

Enclosures

bcc: Roland Shanks
Special Assistant to the Commissioner

Wayne Fleek
Fish and Wildlife Protection

BL:rsm

Nov. 1985

PROPOSAL #137 - 5 AAC 92.210. GAME AS ANIMAL FOOD OR BAIT.

Allow the use of big game meat that is not usable for human consumption to be used as bait for trapping wolves in areas approved by the board.

Proposed by: Upper Tanana/Forty Mile Advisory Committee (11)

FAVOR

OPPOSE

Move to adopt SS
Second JB
Move to amend _____
Second _____
Carries _____ Fails _____

Move to table _____
Second _____
Carries _____ Fails _____
Move to remove from table _____
Carries _____ Fails _____

FINAL ACTION: 0 / 5 / 1 / 1 / 5 No action _____
yes no abstain/absent (by consensus)

Date: 11/22 Time: _____

418/84

73. 5 AAC 81.140. (a). POSSESSION AND TRANSPORTATION. pg. 17. Allow use of road-killed game that is unsalvagable for human consumption for animal food and trap bait.

(a) No person may possess, transport, or place into the possession of another, any game or parts of game that the person has taken in violation of AS 16 or a regulation promulgated thereunder, except game or parts of game unsalvagable for human consumption from road kills or predator kills may be utilized for animal food or trap bait after notification and approval of the Department of Public Safety or the Department of Fish and Game.

Justification: Allows utilization of many road kills that are not found or reported until unfit for human consumption. Allows a trapper to place predator kills in areas where catches are more likely.

Proposed by: Tok Cutoff-Nabesna Road A.C.

Favor

- Upper Tanana/Forty-mile AC (298)
- Alaska Trappers Association (384)
- Tok Cutoff/Nabesna Road AC (391)
- Gastineau Channel AC (393)
- Mr. & Mrs. Blais (402)
- Copper Basin AC (417)
- Matanuska Valley AC (427)
- U.S. Fish & Wildlife Service (378) w/amendment

Oppose

- Paxson AC (332)
- Fairbanks AC (380)
- Cindy Lowrey (395)
- Alaska Wildlife Alliance (406)
- William O'Connor (410)
- Delta AC (425)

DPS opposed @ of difficulty in telling difference between animal killed for bait & animals killed by auto/predator.

0-7 NG.

334. 5 AAC 81.210. (X). GAME AS ANIMAL FOOD OR BAIT. pg. 20. Allow use of unsalvageable road-killed game for animal food.

(X) Unsalvageable game from road and predator kills may be utilized for animal food or trap bait after notification and approval of the Department of Public Safety or the Department of Fish and Game.

Justification: Allows utilization of many road kills that are not found or reported until unfit for human consumption. Allows a trapper to place predator kills in areas where catches are more likely.

Proposed by: Tok Cutoff-Nabesna Road A.C.

Favor

- Upper Tanana/Forty Mile AC (298)
- Tok Cutoff/Nebesna Road AC (391)
- Gastineau Channel AC (393)
- Mr. & Mrs Blais (402)
- Copper Basin AC (417)
- Mt. Yenlo AC (426)

Oppose

- Fairbanks AC (380)
- Cindy Lowrey (395)
- Petersburg AC (398)
- Alaska Wildlife Alliance (406)
- William O'Connor (410)
- Yukon Flats AC (424)

unrevised report
0 of 73
~~*7*~~ *NG.*

73 WE FAVOR THIS

92 } WE OPPOSE THIS (#92) AND ASK
93 } THAT 93 (OUR PROPOSAL) BE REINDED
NEW INFORMATION AND RECONSIDER-
ATION MAKES US BELIEVE THIS
PROPOSAL TO BE UNWISE AT
THIS TIME

114 WE FAVOR THIS

119 WE OPPOSE THIS

141 } WE OPPOSE ~~THIS~~ THESE
142 }
143 }

184 WE OPPOSE THIS. WE JUST MADE
THIS SEASON WHAT IT IS LAST
YEAR

185 WE FAVOR THIS. WHAT WE WANT
IS TO KEEP THE 50 INCH OR
4 BROU TIMES TO RECRUIT MORE
YOUNG BULLS TO THIS POPULATION

186 WE OPPOSE THIS

COMMENT 298

227 WE FAVOR THIS

229 WE FAVOR THIS

329 WE FAVOR THIS

334 WE FAVOR THIS. ALLOWING THIS SHOULD NOT ADVERSLY AFFECT ANY RESOURCE.

335 WE FAVOR THIS

336 WE FAVOR THIS IT IS REASONABLE AND THE JUSTIFICATION GIVEN IS ACCURATE.

337 WE FAVOR THIS

338 WE OPPOSE THIS # 336 IS MORE REASONABLE. SOME HUNTS ~~ARE~~ TAKE PLACE IN COOL ENOUGH WEATHER AND THIS PROPOSAL COULD MAKE SPECIAL AIRPLANE FLIGHTS NESASSARY NEEDLESSLY.

339 WE FAVOR THIS

340 } WE FAVOR THIS
341 }

COMMENT
298

PROPOSAL #

- (70) 5AAC 81.090 REJECT Feel the way this proposal is worded it would open for abuse by the running of dogs.
- (71) 5AAC 81.090 and companion prop (297) 5AAC 84.060 REJECT
- (73) 5AAC 81.140 REJECT
- (91-92) 5AAC 81.320 ACCEPT
- (114) 5 AAC 81.320 ACCEPT
- (119) 5AAC 81.320 REJECT
- (121) 5AAC 81.320 REJECT
- (122) 5AAC 81.320 ACCEPT if amended to (NONRESIDENT PERMITS NOT TO EXCEED 10% of TOTAL PERMITS)
- (124-125) 5AAC 81.320 REJECT
- (160) 5 AAC 81.320 REJECT
- (186-1870) 81.320 REJECT
- (188) 5AAC 81.320 ACCEPT
- (191) 5AAC 81.320 REJECT
- (193) 5ACC 81. 320 ACCEPT ONLY if amended to delete permit hunt. We agree with staff for a research program in this area, but not a permit hunt for larger bulls.
- (194) 5AAC 81.320 REJECT
- (195) 5ACC 81.320 REJECT
- (256-257-258) 5AAC 81.320 REJECT
- (268-269) 5AAC 81.340 ACCEPT
- (271) 5AAC 81.340 ACCEPT
- (283-284) 5 AAC 81.030 REJECT
- (285) 5AAC 84.050 REJECT
- (286 through 290) 5AAC 84.050 REJECT
- (291) 5AAC 84.050 We recommend the use of artificial light only for the killing of an animal in the trap and resetting of trap.
- (292) 5AAC 84.050 REJECT

Fairbanks Advisory Committee 3-1-84

Proposal 329	Passed	7 For	0 Against	
Proposal 332	Failed	0 For	7 Against	
Proposal 334	Failed	0 For	7 Against	
Proposal 335	Failed	0 For	7 Against	
Proposal 336	Failed	1 For	6 Against	
Proposal 337	Passed	4 For	3 Against	
Proposal 343	Passed	7 For	0 Against	
Proposal 344	Passed	5 For	1 Against	1 Abstain
Proposal 345	Failed	0 For	7 Against	
Proposal 346	Passed	7 For	0 Against	
Proposal 347	Failed	0 For	7 Against	
Proposal 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358	Failed	0 For	7 Against	
Proposal ³⁵⁹ ₃₆₀	Passed	6 For	1 Against	
Proposal 361	Failed	0 For	7 Against	We are opposed to C one + two.

COUNT
380

Byron Haley Sec.
Fairbanks Adv. Committee

Fairbanks Adm. Committee 2-25-84

Proposal 66 Failed 0 For 9 Against

~~Proposal 67 Passed 9~~

Proposal 68 Failed 0 For 9 Against

Proposal 69 Failed 0 For 9 Against

Proposal 71 Failed 0 For 9 Against

Proposal 73 Failed 0 For 9 Against

Proposal 74 Failed 4 For 5 Against

Proposal 75 Passed 9 For 0 Against

Proposal 76 Failed 4 For 5 Against

Proposal 77 Failed We do not want this area closed to hunting. it ~~was~~^{should} be open for bow & arrow hunting and we recommend that this area be included in the Fairbanks Management area with one of the boundary the South bank of the Chena River.

Proposal 82 Failed 0 For 9 Against If they want this for Northeastern Kodiak Island that would be alright but leave Afognak Island registration permit

Proposal 92 Passed 9 For 0 Against

Proposal 93 Passed 9 For 0 Against



ALASKA TRAPPERS ASSOCIATION

P.O. BOX 60418
FAIRBANKS, ALASKA 99706

Page 2

73. ATA wages support and passage of this proposal as justified in the packet.
282. ATA wages defeat of this proposal for the reasons given in comments on proposal 28.
283. ATA wages support of this proposal. Dynamiting and shooting of beaver along road systems by DOT/PF is a waste of important fur and meat resources that could be utilized by humans.
293. ATA wages defeat of this proposal. While the localized area noted by the authors of the proposal may very well suffer at the hands of some unethical people, the solution is not to cripple the muskrat trapping industry in the rest of the state. proper trapping of pushups is the only practical method of taking muskrats under the ice. Ethical trappers do this anyway; the problem is not widespread. We would also suggest that factors other than trapping could easily have accounted for the mortality near Jim Creek.
297. ATA supports this proposal. "House- Cleaning proposals that help FWP to do their job fairly and efficiently are always important to us.
301. ATA wages defeat of this proposal. If passed this regulation would be an unreasonable burden on trappers and quite impossible to enforce. Unethical trappers making sets too close to town would simply ignore the regulation anyway. Legally tagged traps, if stolen could be reset in an illegal manner, resulting in harassment of their original owner. Most trappers already mark their traps in some way so as to identify them if they are stolen.
303. ATA supports the concept of this proposal. We are not sure however, that without the companion proposal, that it is a workable regulation. Trappers do have an ethical responsibility to ensure that their snares and traps are rendered inoperable at the end of the season.

384

March 2, 1984SARDS OF FISHERIES & GAME

RECEIVED

MAR 5 1984

DEPARTMENT OF FISH & GAME

ADFG Division of Boards
Box 3-2000
Juneau, Alaska 99802

T C R H C 361

Dear Sir:

The Tok Cutstaf-Nabeana Road Advisory Committee met on February 29, 1984 and would like to offer comments on the following comments:

1. We believe the Tok Force the Governor promised during his campaign should be put into effect.
3. Against - Children may be called upon to demonstrate their hunting & shooting capabilities right now. There is no need for any additional law.
4. Against - The Department and Postal Service is too inefficient to risk such a law on the books.
6. For - We would like to amend the proposal to include units 11 and 13. This advisory committee requested our representative to introduce legislation to rid the residents of our units 11, 12, 13, 20E of this requirement.
13. For - We're battling permits are securing no purpose, but are loading the Department down with additional paperwork.
14. For - same as #13
15. Against - we are endorsing the deletion of the permit system.
27. Against - This proposal would force a late season when the moose population might not be able to biologically stand it. It would also force many areas into a permit system.
29. For - Amended to age 16 or younger. If you are not old enough for a State hunting license, you should be able to transfer the permit to your child.
30. Against -
31. Against -
32. Against -
33. Against -
34. Against -
35. ~~Against -~~
35. For - very sound biological proposal
36. For - this time system is working very well on Tok side.
40. For - Amended to need registration hunts, the number of caribou to be killed at 400, and the season is be closed by emergency closure when that number is reached.
44. For - biologically sound proposal
45. Against - This proposal would endanger small game hunting, the wilderness hunter, older individuals, and those who cannot afford ATVs.
46. Against - The animal should not be left to rot when the meat could come out with the injures.
47. For - good proposal.

CC: [unclear]

391

GASTINEAU CHANNEL ADVISORY COMMITTEE

BOARD OF FISHERIES & GAME

Minutes: 1 March 1984

RECEIVED

Meeting opened at 7:30 pm with quorum present: Dean, ~~Henkins~~, ~~Yurko~~,
Whiting, Bartoo, Reddekopp, Cartmill, Lewis, Jensen. Absent: ~~Finley~~,
Donohue, Kalk, Porter. Vacancy: two. Alternate: Smoker present.
Hand absent.

DEPARTMENT OF FISH & GAME

Discussion began with consideration of the Hoonah and Yakutat petitions. Points considered were the effect of limited entry and reduced gear pressure, a desire to spread out Coho harvest to inside waters, the standard position of Hoonah to have a steady fishery close to town, and the effects on a steady fishery in taking a finite number of fish-something would have to give. Emergency closure if needed to allow fish to get to inside waters. Committee divided 5-4 to reject the closure. A redefining of the 10 day closure petition was supported 7-1-1.

The annual election was held after ~~some~~ ^{some} efforts to have nominations opened, ~~were~~ ^{were} rejected. ~~and~~ ^{it} proceeded under 5 AAC 96.060 (g) & (h)

Porter, Henkins, Dean, Finley, were re-elected to 3 year terms. Alt. Smoker was elected to 3 year regular term. New members: Gary Beal, Jim Becker and Greg Young. ~~Terms: Becker 3 years,; Beal and Young to 2 year terms as replacements for Bartoo and Sewell~~ (determined by number of votes) Kalk and Cartmill tied for Alternate with 10 votes apiece, and a delayed run-off gave Cartmill the seat. (Three members checked the figures and did not note the tie until later) None of the new members were present. (This procedure approved prior to election as a reasonable method of selection)

See Footnote

Consideration of Game proposals in the packet beginning with #322 and votes are as follows:

- | | | |
|--------------|---|--|
| 324 thru 327 | Approved Unanimous. | |
| 329-31 | Same Approved Un | |
| 332 | Rejected Un | |
| 333-4 | Approved Un | |
| 335 | Rejected Un | It appears the wording of this proposal does not agree with intent. Modify. |
| 336-8 | Rejected Un | |
| (337) | " 0-6-3 | The concept is good, but present regs adequately provide for meat recovery. |
| 339 | Approved 8-1 | Considerable discussion over the value |
| 340-1 | Approved 6-1-1 | of Swan Cove to local hunting. Minority opinion that Non-consumptive use during summer and hunting in season not conflicting use. |
| 342 | Approved Und | |
| | | A letter from Mr Joel Bennet suggesting retention of a small portion at the Mitchel Bay Salt Chuck was considered but opinion agreed that the Board can adjust this matter themselves. |
| 345 | Rejected Un | |
| 346 | Approved Un | |
| 347 | Rejected Un | |
| 348 | No action. Confused proposal. Local opinion favors Wolf control by use of boats if established. | |
| 349 thru 358 | Rejected Un | |
| 359 - 361 | Approved Un | |

TO RUN AS THEY PLEASE UNLESS THE OWNERS HAVE THEIR LAND FENCED IN IN WHICH CASE THEIR PET'S WOULD BE FENCED IN AND THE TRAPPERS FENCED OUT.

I MAY ADD THAT I HAVE NOT TRAPPED IN ALASKA (9 YEAR RESIDENT).

(320) YES

(321) YES

(322) YES

(325) NO I BELIEVE IN WOLFE CONTROL AND THINK THAT ANY METHOD WHICH IS SAFE AND EFFICTIVE SHOULD BE USED.

(326) NO

(327) NO

(329) YES

(334) YES

(343) YES

(344) YES

(345) NO. AIRCRAFT WEATHER FIXED WING OR

(347) NO. ROTOR CRAFT AND BOATS HAVE PROUED

(349) NO. TO BE A MOST EFFECTIVE MEANS OF WOLFE CONTROL AND IN SOME SECTIONS THE ONLY EFFECTIVE MEANS OF CONTROL. I (MY FAMILY) CONSUME OUR MOOSE EVERY YEAR WE GET ONE AND DON'T FEEL I^(WE) OWE THAT MOOSE TO ANY WOLFE. THERE IS NO QUESTION IN MY MIND THAT FEEDING ONES FAMILY TAKES PRES IDENCE OVER WOLVES.

(351) NO

(352) NO

(353) NO

(354) NO

402

Mr. & Mrs Blais

- (63) NO. I DON'T THINK WE NEED THESE RESTRICTIONS AT THESE THIS TIME MANY ALASKANS ONLY GET TWO DAYS A WEEK TO HUNT AND CANNOT AFFORD TO WASTE ONE OF THEM. AS A TRAVEL DAY.
- (65) YES
- (66) NO. BOW HUNTING IS AN EFFECTIVE WAY OF HUNTING AND IS SAFE IN POPULATED AREAS PROBABLY ~~ONE OF~~ THE SAFEST WAYS TO HUNT. (WITH REGARDS TO THE GENERAL POPULATION.)
- (67) YES
- (68) NO
- (73) YES
- (75) YES
- (77) NO
- (103) YES
- (114) YES
- (119) NO. GENE B SALINAS SOUNDS LIKE A BROKEN RECORD PLEASE DO NOT ACCEPT ANY OF HIS ^{HEP} PROPOSALS INCLUDING # 119, # 134, # 135, # 140, # 141, # 142, # 143, # 144, # 187, # 220, # 221, # 223, # 225, # 226, # 230, # 233, # 235, # 236, # 237, # 239, # 281, # 319, # 324, # 350 PERHAPS MR OR MRS SALINAS COULD HAVE MADE A GENERAL PROPOSAL TO END ALL SPORT HUNTING AND SAVE ALL THIS PAPERWORK.
- (120) NO. I THINK THIS RESOURCE SHOULD BE OPEN TO ALL ALASKAN RESIDENTS NOT A SELECT FIVE.

tion.

We support proposal #319 to recognize the value, status and importance of the wolf to the ecosystem and the public by removing the double jeopardy and excessive pressure to which wolves are subject as both fur animal and big game species.

We have no particular comment on proposal #322 other than the issuance of aerial hunting permits should be contingent upon the conditions we have proposed for the conduct of any predator control program. We also question why the staff is proposing adding these regulations to the hunting regulations when a couple of years ago they specifically removed them from the hunting regulations.

We oppose proposal #323 for the same reasons as we specified in to the Board for the December, 1983 meeting.

We support proposals #324 and #325 if our proposals #284 and #357 are not adopted.

We support proposal #327 as similar to one of our own.

We oppose proposal #330 as illegal aerial hunting.

Proposal #331 represents an attempt to bring some regulation to the implementation of wolf control in Alaska. While the proposed regulation is better than the absence of regulation which currently exists, we feel our proposals #284 and #356 are superior in many ways. For example, proposal #331 does not establish, or guarantee the implementation of, alternative, complementary or preventive wildlife management measures. Nor does it establish wolf control as an emergency measure or require annual population surveys. The terms of review of any control program should be annual rather than every three years.

We support proposal #332 for the reason given in the justification.

We oppose proposal #334 for the same reasons we oppose proposal #73.

We support proposal #336 as a means of reducing waste and predator conflicts.

We support proposals #337 and #338 as a means of reducing waste.

We oppose proposal #339 for the same reasons we oppose the baiting of black bears in the first place. For additional explanation, see our comments on similar black bear baiting proposals above.

We support proposals #340 and #341 as protecting non-consumptive use and promoting fair chase.

We oppose proposals #343 and #344. They ignore the value and importance of wolves to their prey and to most of the public. In addition, they imply that wolves are solely responsible for declines in prey populations and that they should be permanently suppressed to low levels.

We support proposal #347 if our proposals #284 and #357 are not adopted.

COPPER BASIN FISH & GAME ADVISORY COMMITTEE
Box 83
Glennallen, AK 99588

Proposal #	Comments
284	Against
285	Against
286	Against
287	Against
288	Against
290	Against
291	Against
292	Against
293	Against
296	For
297	For
301	Against
302	Against
319	Against
322	For
324	Against
325	Against
326	Against
327	Against
331	For
334	For
335	For
336	Against Too sloppy written - Idea good
337	Against
338	For
345	Against
347	Against
349	Against
350	Against
351	Against
352	Against
353	Against
354	Against
355	Against
356	Against
357	Against
358	Against

COPPER BASIN FISH & GAME ADVISORY COMMITTEE

Box 83

Glennallen, AK 99588

Proposal #	Comments
1	Against
3	Against
4	For with an amendment that one (1) reminder be sent
5	Against
6	For with an amendment that Units 11 & 13 be included
13	For
27	Against
29	For with an amendment that age be changed to 16 years or younger
30	Against
31	Against
32	Against
33	Against
34	Against
40	For with the adoption of Proposal #123 with amendment
45	Against
47	Against
52	Against
59	Against
61	Against
62	Against
63	Against
69	For
70	Against
71	Against
73	For
90	For
91	For
121	Against
122	For
123	For with the following amendment
	Subsistence One caribou by registration permit
	Permittees: only. The season will be closed
	Aug.20-Sept.20 by emergency order if or when 500
	Jan.1-Mar.31 caribou are taken.
	etc. the same
124	Against
125	Against
160	Against
191	Against
192	For
193	For with the amendment of striking the 50 permits
194	Against
195	Against
256	For
258	For
268	Against
269	For
281	Against
283	For

COMMENT
417

PET EMERGENCY TREATMENT, Inc.
3315 Fairbanks Street
Anchorage, Alaska 99503
Telephone 274-5636

BOARDS OF FISHERIES & GAME
RECEIVED
MAR 21 1984

DEPARTMENT OF FISH & GAME

3/4/84

Alaska Board of Game
P.O. Box 3-2000
Juneau, AK. 99803

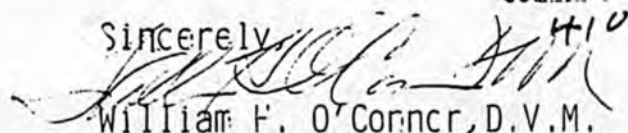
To whom it may concern;

As a non-consumptive user of Alaska's wildlife I am concerned about the hunting and trapping regulations and policy proposals that the board will be dealing with this Spring. I feel that the non-consumptive user both state resident and tourist should be given a stronger consideration as the board formulates it's policies for the future. Tourism being Alaska's third largest industry care should be taken to preserve the wildlife that those tourists have come to see.

I am against a number of the proposals that the board has before them. The numbers are 47, 57, 59, 70, 73, 300, 323, 334, 339 and 343. I am in favor of a number of proposals put forth by the Alaska Wildlife Alliance. The numbers are 45, 60, 63, 68, 201, 284, 285, 287, 326, 345, 352, 356, and 357.

Your consideration of those of us that neither eat nor wear Alaska's wildlife would be appreciated. At present no demand is being made of the non-consumptive user monetarily. I am in favor of a tax system that would assess the extent of the non-consumptive users and contribute to the financing of the programs that we support. I appreciate your time and your consideration of my position.

Sincerely,


William F. O'Connor, D.V.M.

COMMENT

410

F Petersburg Advisory Committee
 Alaska Dept. of Fish & Game
 Seward Bldg., Alaska 99522
 5th March 1984

Alaska Board of Game
 Form 3-2030
 Juneau, Alaska 99801

Gentlemen:

The Petersburg Advisory Committee recently met to review proposed regulatory changes in hunting and trapping regulations. The following only proposes changes are concerned with and submit the following as a result of the meeting.

1. The following numbered proposals are proposed by our committee: #2 - 47 - 50 - 51 - 52 - 75 - 133 - 161 - 162 - 169 - 170 - 171 - 176 - 182 - 187 - 194 - 200 - 221 - 222 - 226 - 231 - 235 - 237 - 241 - 243 - 245 - 260 - 261.

The following numbered proposals were proposed by the Board of Game: #4 - 5 - 7 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26 - 27 - 28 - 29 - 30 - 31 - 32 - 33 - 34 - 35 - 36 - 37 - 38 - 39 - 40 - 41 - 42 - 43 - 44 - 45 - 46 - 48 - 49 - 53 - 54 - 55 - 56 - 57 - 58 - 59 - 60 - 61 - 62 - 63 - 64 - 65 - 66 - 67 - 68 - 69 - 70 - 71 - 72 - 73 - 74 - 76 - 77 - 78 - 79 - 80 - 81 - 82 - 83 - 84 - 85 - 86 - 87 - 88 - 89 - 90 - 91 - 92 - 93 - 94 - 95 - 96 - 97 - 98 - 99 - 100 - 101 - 102 - 103 - 104 - 105 - 106 - 107 - 108 - 109 - 110 - 111 - 112 - 113 - 114 - 115 - 116 - 117 - 118 - 119 - 120 - 121 - 122 - 123 - 124 - 125 - 126 - 127 - 128 - 129 - 130 - 131 - 132 - 134 - 135 - 136 - 137 - 138 - 139 - 140 - 141 - 142 - 143 - 144 - 145 - 146 - 147 - 148 - 149 - 150 - 151 - 152 - 153 - 154 - 155 - 156 - 157 - 158 - 159 - 160 - 163 - 164 - 165 - 166 - 167 - 168 - 172 - 173 - 174 - 175 - 177 - 178 - 179 - 180 - 181 - 183 - 184 - 185 - 186 - 188 - 189 - 190 - 191 - 192 - 193 - 195 - 196 - 198 - 199 - 201 - 202 - 203 - 204 - 205 - 206 - 208 - 209 - 210 - 211 - 212 - 213 - 214 - 215 - 216 - 217 - 218 - 219 - 220 - 223 - 224 - 225 - 227 - 228 - 229 - 230 - 232 - 233 - 234 - 236 - 238 - 239 - 240 - 242 - 244 - 246 - 247 - 248 - 249 - 250 - 251 - 252 - 253 - 254 - 255 - 256 - 257 - 258 - 259 - 262 - 263 - 264 - 265 - 266 - 267 - 268 - 269 - 270 - 271 - 272 - 273 - 274 - 275 - 276 - 277 - 278 - 279 - 280 - 281 - 282 - 283 - 284 - 285 - 286 - 287 - 288 - 289 - 290 - 291 - 292 - 293 - 294 - 295 - 296 - 297 - 298 - 299 - 300 - 301 - 302 - 303 - 304 - 305 - 306 - 307 - 308 - 309 - 310 - 311 - 312 - 313 - 314 - 315 - 316 - 317 - 318 - 319 - 320 - 321 - 322 - 323 - 324 - 325 - 326 - 327 - 328 - 329 - 330 - 331 - 332 - 333 - 334 - 335 - 336 - 337 - 338 - 339 - 340 - 341 - 342 - 343 - 344 - 345 - 346 - 347 - 348 - 349 - 350 - 351 - 352 - 353 - 354 - 355 - 356 - 357 - 358 - 359 - 360 - 361 - 362 - 363 - 364 - 365 - 366 - 367 - 368 - 369 - 370 - 371 - 372 - 373 - 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708 - 709 - 710 - 711 - 712 - 713 - 714 - 715 - 716 - 717 - 718 - 719 - 720 - 721 - 722 - 723 - 724 - 725 - 726 - 727 - 728 - 729 - 730 - 731 - 732 - 733 - 734 - 735 - 736 - 737 - 738 - 739 - 740 - 741 - 742 - 743 - 744 - 745 - 746 - 747 - 748 - 749 - 750 - 751 - 752 - 753 - 754 - 755 - 756 - 757 - 758 - 759 - 760 - 761 - 762 - 763 - 764 - 765 - 766 - 767 - 768 - 769 - 770 - 771 - 772 - 773 - 774 - 775 - 776 - 777 - 778 - 779 - 780 - 781 - 782 - 783 - 784 - 785 - 786 - 787 - 788 - 789 - 790 - 791 - 792 - 793 - 794 - 795 - 796 - 797 - 798 - 799 - 800 - 801 - 802 - 803 - 804 - 805 - 806 - 807 - 808 - 809 - 810 - 811 - 812 - 813 - 814 - 815 - 816 - 817 - 818 - 819 - 820 - 821 - 822 - 823 - 824 - 825 - 826 - 827 - 828 - 829 - 830 - 831 - 832 - 833 - 834 - 835 - 836 - 837 - 838 - 839 - 840 - 841 - 842 - 843 - 844 - 845 - 846 - 847 - 848 - 849 - 850 - 851 - 852 - 853 - 854 - 855 - 856 - 857 - 858 - 859 - 860 - 861 - 862 - 863 - 864 - 865 - 866 - 867 - 868 - 869 - 870 - 871 - 872 - 873 - 874 - 875 - 876 - 877 - 878 - 879 - 880 - 881 - 882 - 883 - 884 - 885 - 886 - 887 - 888 - 889 - 890 - 891 - 892 - 893 - 894 - 895 - 896 - 897 - 898 - 899 - 900 - 901 - 902 - 903 - 904 - 905 - 906 - 907 - 908 - 909 - 910 - 911 - 912 - 913 - 914 - 915 - 916 - 917 - 918 - 919 - 920 - 921 - 922 - 923 - 924 - 925 - 926 - 927 - 928 - 929 - 930 - 931 - 932 - 933 - 934 - 935 - 936 - 937 - 938 - 939 - 940 - 941 - 942 - 943 - 944 - 945 - 946 - 947 - 948 - 949 - 950 - 951 - 952 - 953 - 954 - 955 - 956 - 957 - 958 - 959 - 960 - 961 - 962 - 963 - 964 - 965 - 966 - 967 - 968 - 969 - 970 - 971 - 972 - 973 - 974 - 975 - 976 - 977 - 978 - 979 - 980 - 981 - 982 - 983 - 984 - 985 - 986 - 987 - 988 - 989 - 990 - 991 - 992 - 993 - 994 - 995 - 996 - 997 - 998 - 999 - 1000.

The Board of Game has reviewed the above proposals and has approved the following proposals for consideration by the Board of Game: #2 - 47 - 50 - 51 - 52 - 75 - 133 - 161 - 162 - 169 - 170 - 171 - 176 - 182 - 187 - 194 - 200 - 221 - 222 - 226 - 231 - 235 - 237 - 241 - 243 - 245 - 260 - 261.

Respectfully,
 [Signature]
 Chairman

- #303 Support with an amendment to allow continued use of no trap during those summer months which is larger than an number 1 size trap; this will allow the continued trapping only of ground squirrels which is a traditional practice of local people within GMU25
- #305 Oppose Too non-specific as to specified conditions
- #317 Support This of course is our proposal and we do fully support it
- #319 Oppose Trappers depend upon wolves as a part of their overall economy for the sale of the fur
- #322 Oppose See justification #28
- #324 Support We oppose shooting any game from any aircraft
- #325 Support See justifiactaion #324
- #326 and #327 Support It's already in regulation
- #328 Oppose See justification #319
- #329 Oppose See justification #319
- #331 Support It will be interesting to us to see what management policies would be implemented by such a program for the wolf
- #332 Oppose See justification #301
- #334 Oppose All road-killed game should be removed; we do not use game for baiting
- #336 Support we like to see meat recovered from the field and not wasted
- #337 Support See justification #336
- #338 Support See justification #336 and #337
- #339 Support See justification #334
- #344 Oppose See justification #331
- #345 Support Refer to game regulations
- #346 Oppose This is to be consistent with the committee's position
- #347 Support No one should be allowed to hunt wolves with aircraft
- #349 Support See justification #347
- #348 Oppose (our justification will follow)
- #350 Support See justifications #347, 348, 349
- #351 Support See regulations
- #352 Support See justification #297

DELTA FISH & GAME
ADVISORY COMMITTEE



BOX 1082

DEPARTMENT OF FISHERIES & GAME

DELTA JUNCTION ALASKA

RECEIVED

99737

MAR 7 1984

Minutes

DEPARTMENT OF FISH & GAME Feb. 29, 1984

Members Present: Floyd Weaver, Larry Fett, Ralph Miller, Lou Heinbockel, Ron Beck, Bob Hilliker, Jim Goodman, and Jim Storey.

Members Absent: Dean Cummings and John Palmer.

1. The meeting was called to order at 7:30 PM.
2. The minutes of the previous meeting of Jan. 24, 1984 were read and were approved.
3. Ralph Miller briefed the committee on his attendance of the Fisheries Board meeting. A number of local citizens were onhand to discuss the decisions that were made at that meeting regarding dipnet regulations and subsistence definitions. The statements from these individuals reflected dissatisfaction with the Fisheries Board decisions specifically; these decisions favored commercial activities and the subsistence user group was distroted in terms of geographic identification.
4. In keeping with the tradition of the Delta Committee a good deal of time was spent discussing the affairs of the American Bison Herd which favors our area. As usual Dave Johnson presented the latest information which included the status of the present legislative actions and the impact and positions of the various political personalities. Essentially the funding for bison range improvement is looking favorable however the draft barrier is on shaky ground.
5. Dick Peckham was also onhand and gave the committee an update concerning access to Jan Lake. Dick also informed the committee that he is considering emergency closure action for burbot fishing on Fielding Lake. This committee has previously proposed prohibiting open water set line fishing on Fielding Lake and so was supportive of Dick's intentions. This support was verified by committee vote following a motion from Jim Goodman with a second from Lou Heinbockel.
6. The remainder of the meeting was directed towards establishing support or opposition for the current game law proposals. The following listed proposals reflect the collective position of the Delta Advisory Committee:

PROPOSALS SUPPORTED ----1,4,10,46, 114, 122, 139, 222, 228, 231, 253, 268, 271, 302, and 303. 227 with admendment. Proposals 30-34 and others dealing with drawing permits, a drawing permit applicant should possess a current sport hunting license.

PROPOSALS OPPOSED ---- 5, 27, 29, 36, 37, 42, 44, 47, 48, 49, 53, 55, 56, 57, 58, 59, 64, 70, 73, 120, 256, 292, 301, and 309. Proposals 18-26 and any other proposal dealing with falconry.
7. There being no further business the meeting was adjourned at 12:30 AM.

28 - OPPOSE - Restrict hunting of wolves in specified units. The purpose of this proposal is to prevent dispersal of infected wolves and prevent man from providing an intermediate host. Unfortunately the dog-biting louse occurs on domestic dogs throughout much of the state and could appear in other wolf populations. While the pelt quality may be somewhat lower in wolf populations with lice, the populations still produce a harvestable surplus.

53, 55-59 - OPPOSE - Allow same day airborne hunting. In general we believe this would encourage airborne hunting violations, mainly through driving animals to hunters on the ground and by spotting for hunters on the ground. Also, under some circumstances, overharvest would be a distinct possibility.

73 - SUPPORT - Allow use of road-killed game that is unsalvageable for human consumption for animal food. This proposed regulation would have to be clarified to indicate that migratory birds could not be used for animal food or bait.

81, 96 - OPPOSE - Lengthen brown bear seasons in Units 7 and 15. Brown bear populations on the Kenai peninsula are at unknown levels. Recent concern over the mounting pressures that may negatively affect brown bears resulted in the formation of a study team representing the Alaska Department of Fish and Game, Fish and Wildlife Service and Forest Service. The team hopes to develop a data base which will provide reliable information on the Kenai brown bear population. Until such information is available, it is premature to increase the brown bear season and/or harvest.

115 - SUPPORT - Increase number of caribou permits issued in Unit 7. We support increasing the number of permits to 200. We would like to see the herd maintained below 300 animals until range studies can be undertaken and the harvest must be increased to keep the herd at this level.

128 - CLARIFY - Establish season and bag limit for caribou in Unit 15(A). We would like to correct a misleading statement in this proposal. We did not support this proposal as stated in the justification. We did tell the Kenai-Soldotna Advisory Council that if this herd was to be hunted, then the obvious conflicts with viewing could be reduced if the hunt was limited to harvesting one or two of the large bulls (four large bulls were seen in 1982) and if hunting occurred away from the road system. This herd has not shown any growth since 1977 when a limited hunt was first proposed on an estimated 80 caribou. The bull/cow ratio of this herd should not go below that of the mountain herd (40 bulls/100 cows) since these caribou are viewed much more frequently than the mountain herd. Obviously the taking of three bulls will not have an adverse biological impact on this herd but we believe that the best use of these caribou is in viewing rather than hunting. The trophy bulls are commonly seen along the highway, Kenai River flats and near the Kenai airport.

OVERVIEW: CSHB 407

PREPARED BY HOUSE RESOURCES COMMITTEE STAFF

JANUARY 31, 1986

At the last Resources Committee meeting regarding CSHB 407 several aspects of the bill were discussed.

The first item concerned potential enforcement problems that could occur if trappers were allowed to use big game meat in general for bait.

* This CS addresses this problem by specifically naming those parts of big game animals that may be legally used for trapping bait.

The second concern involved the use of big game animals that are found dead in the field from natural causes.

* This CS deals with this problem on page one lines 15 - 19 by requiring persons who use these dead animals to report the use and the location of the carcass within three days.

The third item discussed concerned road or train killed animals and their use as trapping bait.

* This CS would require written permission from the Dept. of Fish and Game or Public Safety before a road killed animal could be used by a person as bait.

The fourth and final topic concerned the patterning of section 2 of the bill after existing statutes dealing with confidentiality of fish tickets.

* CSHB 407 now contains this conforming provision.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 407
 Title : "an act relating to the use
 game as bait"

Sponsor : Representative Schultz
 Requestor : H. Resources
 Date of Request : 1/20/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : K Niles Kathy Niles, Administrative Ass't
 Division : Commissioner's Office

Phone : 465-4336
 Date : 1/17/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 1-17-86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

(c) In this section,

(1) "process" means to butcher, cook, chill, or freeze crab for commercial use;

(2) "registration area" means a specific king crab registration area as designated by regulation of the Board of Fisheries. (§ 2 ch 70 SLA 1974; am § 12 ch 206 SLA 1975; am § 17 ch 132 SLA 1984)

Effect of amendments. — The 1984 amendment deleted "and includes the Bering Sea shellfish area and the western Aleutian Islands king crab area" from the end of paragraph (c)(2).

Sec. 16.05.720. Penalties.

From Supplement
NOTES TO DECISIONS

Quoted in *Langeater v. State*, Ct. App. Op. No. 279 (File No. 7357), 668 P.2d 1359 (1983).

Article 6. Miscellaneous Provisions.

Section	Section
789. Prohibition on hunting adjacent to highway between Yukon River and Arctic Ocean	826. Waterfowl conservation stamp program
815. Confidential nature of certain reports and records	831. Waste of salmon
	900. Penalty for violations
	903. [Repealed]

Sec. 16.05.789. Prohibition on hunting adjacent to highway between Yukon River and Arctic Ocean. (a) Hunting with firearms is prohibited north of the Yukon River in the area within five miles on either side of the highway between the Yukon River and the Arctic Ocean.

(b) A person who violates this section is guilty of a class A misdemeanor. (§ 2 ch 177 SLA 1980)

Revisor's notes. — By judgment dated March 19, 1981, in *Alaska Legislative Council v. Hammond*, case no. 4FA-80-1689, the superior court for the fourth judicial district upheld the validity of the enactment of ch. 177, SLA 1980. The attorney general's opinion cited in the legislative history note to this section in the main pamphlet should be disregarded.

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) of this section, records required by regulations of the department concerning the landings of fish, shellfish or fishery products, and annual statistical reports of buyers and processors required by regulation of the department are confidential and may not be released by the department except that the department may release

(1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) any of its records and reports to the Department of Revenue and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities;

(3) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality

(A) requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable; and

(B) maintains the confidentiality of reports and records that it receives under this paragraph;

(4) such records and reports as necessary to be in conformity with a court order;

(5) on request, the report of a person to the person whose fishing activity is the subject of the report; and

(6) fish tickets and fish ticket information to the division of fish and wildlife protection, Department of Public Safety.

(b) Records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information. (§ 1 ch 117 SLA, 1970; am § 1 ch 117 SLA 1974; am § 1 ch 66 SLA 1980; am § 1, 2 ch 72 SLA 1982; am § 1 ch 84 SLA 1985)

Effect of amendments. — The 1985 amendment, effective June 3, 1985, in subsection (a) substituted "that" for "which" in two places, added paragraph (6), and made related stylistic changes.

Sec. 16.05.826. Waterfowl conservation stamp program. (a) The waterfowl conservation tag authorized in AS 16.05.340(a)(17) shall be produced annually in stamp form by the department in an amount the Department of Revenue considers appropriate. The department shall make stamps available for the creation of waterfowl conservation limited edition prints and shall provide for the sale of stamps and prints to the public.

(b) The department shall provide by appropriate means for the selection of the design of the annual waterfowl conservation stamp and for the production and sale of the stamps.

(c) The department may contract to others the performance of the department's responsibilities under this section. A contract may

(2) if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled or otherwise preserved, or

(3) with respect to crab aboard a commercial crab fishing vessel, during the first full three days after the time when a taking is prohibited. (§ 26 art I ch 94 SLA 1959; am § 1 ch 42 SLA 1974)

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) of this section, records required by regulations of the department concerning the landings of fish, shellfish or fishery products, and annual statistical reports of buyers and processors required by regulation of the department are confidential and may not be released by the department except that the department may release

(1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) [Effective July 1, 1984] any of its records and reports to the Department of Revenue and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities;

(3) records or reports of the total value purchased by each buyer to a municipality which levies and collects a tax on fish, shellfish, or fishery products if the municipality

(A) requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable; and

(B) maintains the confidentiality of reports and records which it receives under this paragraph;

(4) such records and reports as necessary to be in conformity with a court order; or

(5) on request, the report of a person to the person whose fishing activity is the subject of the report.

(b) Records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information. (§ 1 ch 117 SLA 1970; am § 1 ch 117 SLA 1974; am § 1 ch 66 SLA 1980; am §§ 1, 2 ch 72 SLA 1982)

Postponed amendment. — Until July 1, 1984, paragraph (2) of subsection (a) provides: "(2) any of its records and reports to the Department of Revenue, to the division of fish and wildlife protection, Department of Public Safety, and to the Commercial Fisheries Entry Commission

to assist them in carrying out their statutory responsibilities;"

Cross references. — For reporting of wholesale canned salmon prices, see AS 43.80.050 — 43.80.100.

Effect of amendments. — The 1980 amendment substituted "Except as pro-

vided in (b) of this section, records" for "Reports" at the beginning of present subsection (a), substituted "may" for "shall" preceding "not be released" near the end of the introductory paragraph of present subsection (a), deleted "in the form of individual records" following "not be released" near the end of the introductory paragraph of present subsection (a), added "that the department may release" at the end of the introductory paragraph of present subsection (a), restructured the former section into present subsection (a) and paragraphs (1) — (5), added all of the provisions contained therein except for paragraphs (2) and (4); in paragraph (2) of subsection (a),

added "any of its records and reports" at the beginning of the paragraph, and substituted "to assist them in carrying out their statutory responsibilities" for "or" at the end of paragraph (2); in paragraph (4) of subsection (a), added "such records and reports as necessary to be" at the beginning of the paragraph, and added "or" at the end of the paragraph.

Section 1, ch. 72, SLA 1982 inserted "to the division of fish and wildlife protection, Department of Public Safety" in paragraph (2) of subsection (a). Section 2 of ch. 72, effective July 1, 1984, deletes that language from paragraph (2).

Sec. 16.05.820. Research by the federal government. The Secretary of the Interior, the Secretary of Commerce or the Secretary of Agriculture of the United States and their authorized agents or other appropriate federal agencies may conduct fish cultural operations and scientific investigations in the state in the manner and at the times jointly considered necessary or proper by the Board of Fisheries and the secretary and their authorized agents. (§ 29 art I ch 94 SLA 1959; am § 14 ch 206 SLA 1975; am § 10 ch 208 SLA 1975)

Sec. 16.05.825. State upland game bird release program. (a) In addition to any other program for the stocking or propagation of game birds that the department has as of July 23, 1974, the department shall establish a special program for the raising, maintenance, and release of upland game birds in the state. Birds raised under this program may be released in an appropriate area of the state, at any time, but may be harvested only during regular hunting seasons, as specified by the board under AS 16.05.255(2). The board shall adopt regulations necessary to implement this section.

(b) The department shall establish an appropriate facility for the raising and maintenance of upland game birds to be located at an appropriate place, as determined by the commissioner, in interior Alaska.

(c) The department shall employ a method of tagging game birds released under this section, compile harvest statistics, and report its results and findings to the legislature annually.

(d) In this section, "upland game bird" means a game bird for which a season is established under AS 16.05.255(2) as of July 23, 1974, excluding waterfowl. (§ 1 ch 31 SLA 1974; am § 15 ch 206 SLA 1975)

Sec. 16.05.827. Sale of subsistence salmon roe. [Repealed, § 4 ch 99 SLA 1975.]

Sec. 16.05.830. Wanton waste. [Repealed, § 1 ch 73 SLA 1968.]

OVERVIEW: CSHB 407

TRAPPING BAIT
(Section 1)

Present regulations prohibiting the use of non-edible big game meat as trapping bait are causing difficulties for many trappers. As a result much of this meat is being wasted when it could be put to a more practical use.

Working with several trapping organizations and Advisory Committees, research confirmed that the problem lies in the administration of 5AAC 84.170 which was put in place based on existing statutory language found in 16.05.255.

CSHB 407 is designed to preempt part of that regulation and allow those parts of a big game animal or wild fowl legally taken or legally possessed, that are not edible (as defined in AS 16.30.030), to be used for bait.

CSHB 407 would clarify and make more complete present law which seems based on AS 16.30.010 and AS 16.30.030 to only address what can not be done with edible meat. Unfortunately there isn't anything mentioned about lawful uses of non-edible game meat thus allowing regulations to be promulgated under the authority found in AS 16.05.255 to prohibit such use for bait. (5AAC 84.170)

In trying to find the justification for this regulation it seems that there has been concern that it would be difficult for enforcement people to determine whether or not game animals were being misused for trapping purposes if game meat was allowed in any form to be used for trapping.

From a practical sense this fear appears to be unfounded for several reasons. * First game meat that is edible is far too precious to be used as trapping bait, especially in rural Alaska. * Secondly the type of person that would waste game meat is already sufficiently deterred by the penalties established for "wanton waste" presently found in AS 16.030.010. * Lastly and most importantly, trappers tell us they are not following this regulation to any great degree and never have, and yet few are cited and even fewer successfully prosecuted for violation of this regulation. This would indicate that the regulation is not accomplishing its desired effect and in light of the wanton waste statute, is no longer needed.

Safeguards

CSHB 407 would require each person wishing to use the non-edible portions of big game for bait to abide by all other state requirements governing the possession, transportation, and use of the dead animal and its parts.

The language in CSHB 407 combined with the wanton waste statute will provide the protection necessary for the care and use of big game meat without causing trappers using traditional trapping methods to be in violation of state law.

SEALING RECORDS

(Section 2)

Trappers who provide information the Department of Fish and Game via fur sealing records are concerned that private information from those records could be distributed without their permission.

HB 407 in the CS version has been expanded to help alleviate this concern without diminishing the authority of the agencies who use information from sealing records to assist in their management processes.

* Note: Both the method used, and the rationale for the method are patterned after the statute dealing with the protection of private information recorded on commercial fish tickets.

Some of the practical problems associated with the regulation prohibiting the use of big game meat as trapping bait:

* Wild fowl carcasses that have been discarded after the breast has been removed cannot be used for bait even though there is no violation of the wanton waste law.

Reason given to trappers: The feet and feathers are still attached to the bird carcass, therefore it violates present regulation.

* A successful hunter may remove the head, feet, and lower legs of a moose as they are not considered edible under present statute, however he may not use, or may any person who receives these parts use them for bait.

Reason given to trappers: Violates present regulations concerning the use of big game meat.

* A carcass of a big game animal that has been wolf killed or has died another type of natural death and is found by a trapper may not be used as bait. Even if the carcass is not disturbed in any way by the trapper.

Reason given to trappers: This could create an enforcement problem for officers in the field.

* Troopers or other officials faced with the removal of road killed, or train killed moose can not offer even the most obvious non-edible meat to trappers for bait.

Reason given to trappers: Violates present regulations concerning the use of big game meat.

Original sponsors: Shultz and Marrou

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use and sealing of certain
7 game animals."

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

9 * Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.783. USE OF GAME AS BAIT. Except for the edible meat
11 of big game animals and wild fowl, as defined in AS 16.30.030, a
12 person may use as bait the carcass of game that the person has

13 (1) killed in the state, if the person has complied with
14 all other state requirements relating to the killing, and the posses-
15 sion, transportation, and use of the carcass of the game; or

16 (2) otherwise obtained in the state, if the person has
17 complied with all other state requirements relating to the possession,
18 transportation, and use of the carcass of the game.

19 * Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

20 (c) The personal identity information in a fur-sealing document
21 is confidential and may be released by the department only

22 (1) to a state agency when the information is necessary for
23 the management of the game resources of the state; except to the
24 extent necessary to prosecute a criminal action based on the fur-seal-
25 ing document, the state agency receiving the information from the
26 department shall also maintain the confidentiality of the personal
27 identity information;

28 (2) to a court under a court order; or

29 (3) to the person who is identified in the fur-sealing

1 document as having taken the animal.

2 (d) In (c) of this section,

3 (1) "fur-sealing document" means the report that accom-
4 panies the placement by the department of a metal seal on a portion of
5 the carcass of a game animal taken by trapping;

6 (2) "personal identity information" means the name,
7 address, phone number, social security number, and trapping license
8 number of the person identified in a fur-sealing document as having
9 taken the animal;

10 (3) "state agency" means a department in the executive
11 branch of the state.

Introduced: 4/29/85
Referred: Resources

1 IN THE HOUSE

BY SHULTZ

2

HOUSE BILL NO. 407

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the use of game as bait."

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

8 * Section 1. AS 16.05 is amended by adding a new section to read:

9 Sec. 16.05.783. USE OF GAME AS BAIT. Except for the edible meat
10 of big game animals and wild fowl, as defined in AS 16.30.030, a
11 person may use as bait the carcass of game that the person has killed
12 in the state, if the person has complied with all other state
13 requirements relating to the killing, and the possession,
14 transportation, and use of the carcass, of the game.

Section

- 20. Animals exempted
- 30. Definitions

Sec. 16.30.010. Wanton waste of big game animals and wild fowl. (a) It is a class A misdemeanor for a person who kills a big game animal or a species of wild fowl to fail intentionally, knowingly, recklessly, or with criminal negligence to salvage for human consumption the edible meat of the animal or fowl.

(b) If a person is convicted of violating this section and in the course of that violation failed to salvage from a big game animal at least the hindquarters as far as the distal joint of the tibia-fibula (stifle joint), the court shall impose a sentence of imprisonment of not less than seven consecutive days and a fine of not less than \$2,500.

(c) The imposition or execution of the minimum sentence prescribed in (b) of this section may not be suspended under AS 12.55.080 or 12.55.085. The minimum sentence prescribed in (b) of this section may not be reduced. (§ 39-8-1 ACLA 1949; am § 1 ch 111 SLA 1957; am § 2 ch 73 SLA 1968; am § 1 ch 11 SLA 1974; am § 1 ch 34 SLA 1976; am § 1 ch 5 SLA 1980; am § 1 ch 123 SLA 1982)

Effect of amendments. — The 1980 amendment affected provisions of this section defining the term "most of the edible meat" of a wild food animal. The 1982 amendment, however, deleted these provi-

sions. Similar provisions now appear in AS 16.30.030(5).

The 1982 amendment rewrote this section.

Sec. 16.30.012. Possession of horns or antlers. (a) It is a class A misdemeanor for a person to possess the horns or antlers of a big game animal that was killed after the opening of the current or most recent lawful hunting season for that animal if the person does not possess the edible meat of the animal.

(b) A person may not be arrested or prosecuted for a violation of this section unless the arresting officer determines that there is probable cause to believe that the edible meat of the big game animal from which the horns or antlers were taken has not been salvaged. (§ 2 ch 34 SLA 1976; am § 2 ch 123 SLA 1982)

Effect of amendments. — The 1982 amendment rewrote this section.

Sec. 16.30.015. Surrender of salvaged portions, license forfeiture. A person convicted of violating AS 16.30.010

- (1) shall surrender to the department all salvaged portions of the animal or fowl;
- (2) forfeits the convicted person's hunting license;
- (3) is ineligible to hold a hunting license for

(A) the year in which the conviction is entered and the year following the year in which the conviction is entered;

(B) a period of five years from the date of the conviction if the person has failed to salvage from a big game animal at least the hindquarters as far as the distal joint of the tibia-fibula (stifle joint). (§ 3 ch 123 SLA 1982)

Sec. 16.30.017. Defenses. (a) It is a defense to a criminal charge under AS 16.30.010 or 16.30.012 that the failure to salvage or possess the edible meat was due to circumstances beyond the control of the person charged, including

- (1) theft of the animal or fowl;
- (2) unanticipated weather conditions or other acts of God;
- (3) unavoidable loss in the field to another wild animal.

(b) It is a defense to a criminal charge under AS 16.30.012 that the defendant does not possess the edible meat of the big game animal because the meat was

- (1) consumed by human beings; or
- (2) delivered to another person.

(c) In this section, "delivered" means given, sold, or bartered in a manner that does not violate state or federal law. (§ 3 ch 123 SLA 1982)

Sec. 16.30.020. Animals exempted. The provisions of AS 16.30.010 and 16.30.012 do not apply to animals which the board exempts by regulation. (§ 3 ch 73 SLA 1968; am § 3 ch 34 SLA 1976; am § 4 ch 123 SLA 1982)

Effect of amendments. — The 1982 amendment made a minor section catchline change.

Sec. 16.30.030. Definitions. In this chapter

(1) "big game animal" means moose, caribou, mountain sheep, mountain goat, feral reindeer, deer, elk, bison, walrus, or musk-ox;

(2) "criminal negligence" means criminal negligence as defined in AS 11.81.900(a)(4);

(3) "department" means the Department of Fish and Game;

(4) "edible meat" means, in the case of big game animals, the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (stifle joint), and that portion of the animal between the front and hindquarters; in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include

(A) meat of the head;

(B) meat that has been damaged and made inedible by the method of taking;

(C) bones, sinew, and incidental meat reasonably lost as a result of boning or a close trimming of the bones;

(D) viscera;

(5) "intentionally" means intentionally as defined in AS 11.81.900(a)(1);

(6) "knowingly" means knowingly as defined in AS 11.81.900(a)(2);

(7) "possess the edible meat" includes possessing portions of the edible meat in more than one location while the meat is being transported from the place where it was salvaged;

(8) "recklessly" means recklessly as defined in AS 11.81.900(a)(3);

(9) "wild fowl" means species of wild fowl for which seasons or bag limits have been established by state or federal law. (§ 3 ch 73 SLA 1968; §§ 5, 6 ch 123 SLA 1982)

Revisor's notes. — Reorganized in amendment repealed former paragraph 1983 to alphabetize the defined terms. (2), which defined "wild food animal," and Effect of amendments. — The 1982 added present paragraphs (4)-(9).

Chapter 35. Predatory Animals.

Article

- 1. Employment of Hunters and Trappers to Suppress Predatory Animals (§§ 16.35.010 — 16.35.040)
2. Bounties on Wolverines, Wolves and Coyotes (§§ 16.35.050 — 16.35.130)
3. Bcunty on Hair Seals (§§ 16.35.140 — 16.35.180)
4. Miscellaneous Provisions (§ 16.35.200)

Article 1. Employment of Hunters and Trappers to Suppress Predatory Animals.

Section

- 10. Commissioner of fish and game to employ hunters and trappers
20. Duties of leaders
30. Leaders' compensation and sale of skins

Section

- 40. Disposition of proceeds from sale of skins

Sec. 16.35.010. Commissioner of fish and game to employ hunters and trappers. The governor may suppress predatory animals in the state, and may employ not more than two expert hunters and trappers, hereafter referred to as leaders. Only persons who have had scientific training by the Department of Natural Resources for the suppression of predatory animals and who are recognized by that department as experts in that field shall be employed. (§ 33-3-101 ACLA 1949)

Revisor's notes. — This section gives the power to suppress predatory animals to the governor with the Department of Agriculture to train persons to suppress predatory animals. Section 7, ch. 64 SLA 1959, does not mention this power as one belonging to the governor. Section 16, ch. 64 SLA 1959, listing the powers of the Department of Natural Resources, to which were transferred the powers of the

department within 30 days after the close of the trapping season. (In effect before 1980: am 9/30/81, Reg. 79; am 6/30/84, Reg. 90)
Authority: AS 16.05.255

5 AAC 84.120. EXPORTATION OF SKINS.
(a) No person may ship, mail, or otherwise transport from Alaska the raw skins of a wild fur bearer or hair seal without properly executing a fur export permit or shipping tag and an export report or post card provided by the department or any post office or commercial carrier.

(b) A person who ships, mails, or otherwise transports from Alaska the raw skin of a wild fur bearer or hair seal shall attach a fur export permit to the outside of the package containing the raw skin and shall include a statement that the skin was legally taken and possessed. No carrier or post office may accept for shipment from Alaska any raw skin of a wild fur bearer or hair seal unless a fur export permit is attached. Before shipment, the person shipping, mailing, or otherwise transporting the raw skin shall detach the fur export report from the fur export permit, and shall properly execute and mail the report to the department. (In effect before 1985; am 6/23/85, Reg. 94)
Authority: AS 16.05.255

5 AAC 84.130. EXPORTING AND POSSESSION OF SEA OTTER. Repealed 7/4/80.

5 AAC 84.140. IMPORTING OF SEA OTTER SKINS. Repealed 7/4/80.

5 AAC 84.150. PROCESSING OF SEA OTTER SKINS. Repealed 7/4/80.

**ARTICLE 4.
USE OF GAME**

Section

- 160. Purchase and sale
- 170. Game as animal food or bait
- 175. Utilization of carnivores

5 AAC 84.160. PURCHASE AND SALE. The purchase, sale, or barter of a fur bearer or a part of a fur bearer is permitted, with the exception of an unsealed or untagged beaver, wolf, wolverine, lynx, or river otter skin. (In effect

before 1980; am 7/4/80, Reg. 75; am 6/23/85, Reg. 94)

Authority: AS 16.05.255
AS 16.05.920

5 AAC 84.170. GAME AS ANIMAL FOOD OR BAIT. The use of game as food for a dog or a fur bearer, or as bait, is prohibited, with the following exceptions:

- (1) the hide, skin, viscera, or bones of any game;
- (2) repealed 9/25/76;
- (3) the skinned carcass of bear or fur bearer;
- (4) hares, rabbits and red squirrels;
- (5) repealed 7/4/80;
- (6) legally taken unclassified game. (In effect before 1980; am 7/4/80, Reg. 75; am 6/23/85, Reg. 94)

Authority: AS 16.05.255

5 AAC 84.175. UTILIZATION OF CARNIVORES. The hide or flesh of bears and the hides of wolves, wolverine, coyotes, and lynx must be salvaged for human use. (In effect before 1983; am 6/30/83, Reg. 86)

Authority: AS 16.05.255

**ARTICLE 5.
AREAS CLOSED TO TRAPPING**

Section

- 180. Application of 5 AAC 84.190-5 AAC 84.200
- 190. Southeastern Alaska (Units 1-5)
- 200. Southcentral Alaska (Units 6-16)
- 210. (Repealed)

5 AAC 84.180. APPLICATION OF 5 AAC 84.190 - 5 AAC 84.200. Unless otherwise provided in 5 AAC 84.190 - 5 AAC 84.200, the areas listed in those sections are closed to trapping fur bearers except under authority of a permit that may be issued at the discretion of the commissioner. (In effect before 1985; am 6/23/85, Reg. 94)


Authority: AS 16.05.255
AS 16.05.340



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

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Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game




Andre Marrou
Representative

District 5

Kenai	Sterling
Soldotna	Anchor Point
Homer	Port Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninilchik	Clam Gulch

April 4, 1986

To: Chairpersons and Members of the Natural Resources Committee
From: Andre Marrou, Representative 

Subject: HB 417, Annual DEC Subdivision Platting Regulations

The Department of Environmental Conservation conducted hearings on these new regulations in the fall of 1984. According to DEC's own "Responsiveness Summary" dated November 1984, only 5 people out of 23 who responded, favored these new regulations. Quoting this summary: "Many commentators complained of the expense, redundancy, and inefficient uses of the subdivision plan review process." also, "Many commentators thought that the deletion of the isolated subdivision exemption from the subdivision plan review process would put an additional cost and strain on the workload of the Department."

In several instances in the report, "many commentators" who were opposed to the new regulations were lumped together, whereas any one favoring the new regulations were quoted in detail with a separate paragraph outlining his/her concerns.

THE REGULATIONS WERE APPROVED REGARDLESS OF THE OVERWHELMING TESTIMONY AGAINST THEM.

The Department went on to say that people were buying lots that were incapable of on-site sewage disposal. But, the Department did not say how many times this happened. Nor did they consider alternatives to solving the problem other than more regulations.

DEC pompously concluded that "Until local government does assume these health-related responsibilities, this service must be provided...". It strikes me odd that "...this service must be provided..." when the overwhelming majority of us have been getting along just fine without it. A few people who are not cognizant of all considerations when buying real estate should not bind us all to the tyranny of DEC's approval.

Private market alternatives are available, but we must let people know that they are responsible for their actions-- not the government. If we continue to request these services from the State, the State will in turn, continuously usurp our own individual freedoms in a futile attempt to provide some unattainable, mystical security.

These services are, in effect, a State subsidy to home-buyers and financiers that can be provided by the private sector.

Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game




Andre Marrou
Representative

District 5

Kenai	Sterling
Sewardna	Anchorage Point
Homer	Port Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninikok	Clam Gulch

February 20, 1986

To: Rep. Schultz & Rep. Herrmann; Co-Chairs House Resources Committee
From: Rep. Marrou 

Subject: HB 417; Annul DEC's Subdivision Regulations, 18 AAC 72.065

Please read the attached regulations that I propose be annulled. As you can see, they are anything but simple and easily complied with.

Prior to March of last year, isolated subdivisions (of 5 lots or less in remote areas) were exempt from these regulations. Imposing these regulations upon rural Alaskans strongly discourages free enterprise and competitive land trading plus, they cost the State a lot of money.

These regulations usurp the platting and zoning authority of municipalities. They are currently being challenged in court.

Commissioner Ross apparently feels that these regulations are necessary to protect the environment. It is my opinion that the Commissioner does not fully understand how free market forces work to do what regulations cannot do. I would be delighted to testify on how free market forces protect the environment in the real estate business, if given the opportunity.

Would you please schedule a hearing for this bill?

Attachments:

°18 ACC 72.065

°HB 417

°The repealed definition of an isolated subdivision.

18 AAC 72.065. SUBDIVISION PLAN REVIEW. (a) A person proposing a subdivision shall submit the following information to the department within five days after the submission of a proposed subdivision plat to a

ENVIRONMENTAL CONSERVATION

18 AAC 72.06

18 AAC 72.06

[THESE REGS. ADOPTED MARCH 1975.]

platting authority or, where no plat is filed, 60 days before subdividing:

(1) a drawing and written description showing proposed sewers, domestic wastewater treatment works and disposal systems, and potential or existing drinking water sources for each typical set of on-site conditions existing within the subdivision; the department will, in its discretion, waive the requirements of this paragraph when it finds the information is not needed for plan review;

(2) a plot plan showing spacial relationships between wastewater disposal and drinking water systems on nearby lots; the department will, in its discretion, waive the requirements of this paragraph when it finds the information is not needed for plan review;

(3) soil information sufficient to determine suitability for a domestic wastewater disposal system, if a soil absorption system is proposed, including soil tests, borings, test holes, or percolation tests required by 18 AAC 72.026, approved and signed by a registered engineer;

(4) a map of the proposed subdivision showing

(A) lot and street layout with lot dimensions and areas;

(B) contours which show topography, drainage, muskeg, and marshy or wet areas;

(C) existing or proposed improvements;

(D) waters located within and 200 feet around the proposed subdivision;

(E) waters suitable for drinking water sources; and

(F) nearest road or highway accesses;

(5) a statement and timetable concerning the possible development of future community drinking water or sewer systems to the extent known;

(6) a statement identifying persons who will own, operate, and maintain water supply systems, sewers, treatment works, and disposal systems in the proposed subdivision;

(7) types and amounts of sewage, graywater or other wastes that would be generated on typical lot in the subdivision;

(8) information, including a timetable, for domestic wastewater disposal systems which require electrical service or road access, including electrical service needed for domestic wastewater treatment and pumping equipment, transportation access for material and equipment needed to construct the proposed domestic wastewater treatment works, disposal system, holding tank, and septic tank pumpin service; and

(9) location of storm sewers, drainage ditches, their ultimate discharges, and treatment, if required to protect receiving water

(b) The department will issue a decision to the applicant within 30 days after receipt of complete subdivision plans.

(c) The department will, in its discretion attach terms and conditions to subdivision plans needed to ensure compliance with this chapter

(d) The subdivider shall include the terms and conditions of the department's subdivision plan approval for domestic wastewater treatment and disposal systems on the subdivision's plat and instruments.

(e) The department will place its approval on the plans on the subdivision's final plat before recording. Department approval must appear on the plat of record and recorded instruments.

(f) A person creating a subdivision may sell contract to sell, lease, or otherwise convey an interest in any lot within that subdivision only with plan approval for that subdivision under this section. (Eff. 2/3/77, Reg. 61; am 3/4/78, Reg. 65; am 12/30/82, Reg. 84; am 3/30/85, Reg. 93)

Authority: AS 46.03.02C

AS 46.03.05C

AS 46.03.09D

FARMER REGS.
[REPLACED MARCH 1985.]

The changes are shown below. Additions are underlined and deletions are bracketed and capitalized.

18 AAC 72.065. SUBDIVISION PLAN REVIEW. (a) A person proposing a subdivision [EXCEPT AN ISOLATED SUBDIVISION,] shall submit the following information to the department within five days after the submission of a proposed subdivision plat to a platting authority or, where no plat is filed, 60 days before subdividing:

(f) A person creating a subdivision after February 3, 1977, [EXCEPT AN ISOLATED SUBDIVISION,] may sell, contract to sell, lease, or otherwise convey an interest in any lot within that subdivision only with plan approval for that subdivision under this section. (Eff. 2/3/77, Reg. 61; am 3/4/78, Reg. 65; am 12/30/82, Register 84; am / /85, Register)

18 AAC 72.990(27) ["ISOLATED SUBDIVISION" MEANS THE SUBDIVISION OF A PARCEL OF LAND INTO FIVE OR FEWER LOTS WHICH IS NOT PART OF A SUBDIVISION PLAN OR SCHEME INVOLVING MORE THAN FIVE LOTS; A SUBDIVISION IS NOT AN ISOLATED SUBDIVISION IF THE SUBDIVIDER, OR PERSONS ACTING IN CONCERT WITH THE SUBDIVIDER, HAVE, WITHIN THE PRECEDING FIVE YEARS, SUBDIVIDED LAND SO THAT THE TOTAL NUMBER OF LOTS CREATED BY THE SUBDIVISION AND WITHIN TWO MILES OF THE SUBDIVISION EXCEEDS FIVE.] (Repealed).

SEARCH - QUERY
00002 '46.03.020'

AJ46.03.020 DOCUMENT= 1 OF 2
CITATION SEC. 46.03.020.
CATCH LINE

POWERS OF THE DEPARTMENT.
TEXT THE DEPARTMENT MAY

(1) ENTER INTO CONTRACTS NECESSARY OR CONVENIENT TO CARRY OUT THE FUNCTIONS, POWERS AND DUTIES OF THE DEPARTMENT;

(2) REVIEW AND APPRAISE PROGRAMS AND ACTIVITIES OF STATE DEPARTMENTS AND AGENCIES IN LIGHT OF THE POLICY SET OUT IN AS 46.03.010 FOR THE PURPOSE OF DETERMINING THE EXTENT TO WHICH THE PROGRAMS AND ACTIVITIES ARE CONTRIBUTING TO THE ACHIEVEMENT OF THAT POLICY AND TO MAKE RECOMMENDATIONS TO THE DEPARTMENTS AND AGENCIES, INCLUDING BUT NOT LIMITED TO, ENVIRONMENTAL GUIDELINES;

(3) CONSULT WITH AND COOPERATE WITH

(A) OFFICIALS AND REPRESENTATIVES OF ANY NONPROFIT CORPORATION OR ORGANIZATION IN THE STATE;

(B) PERSONS, ORGANIZATIONS AND GROUPS, PUBLIC AND PRIVATE, USING, SERVED BY, INTERESTED IN OR CONCERNED WITH THE ENVIRONMENT OF THE STATE;

(4) APPEAR AND PARTICIPATE IN PROCEEDINGS BEFORE ANY STATE OR FEDERAL REGULATORY AGENCY INVOLVING OR AFFECTING THE PURPOSES OF THE DEPARTMENT;

(5) UNDERTAKE STUDIES, INQUIRIES, SURVEYS OR ANALYSES IT MAY CONSIDER ESSENTIAL TO THE ACCOMPLISHMENT OF THE PURPOSES OF THE DEPARTMENT; THESE ACTIVITIES MAY BE CARRIED OUT BY THE PERSONNEL OF THE DEPARTMENT OR IN COOPERATION WITH PUBLIC OR PRIVATE AGENCIES, INCLUDING EDUCATIONAL, CIVIC AND RESEARCH ORGANIZATIONS, COLLEGES, UNIVERSITIES, INSTITUTES AND FOUNDATIONS;

(6) AT REASONABLE TIMES ENTER AND INSPECT WITH THE CONSENT OF THE OWNER OR OCCUPIER ANY PROPERTY OR PREMISES TO INVESTIGATE EITHER ACTUAL OR SUSPECTED SOURCES OF POLLUTION OR CONTAMINATION OR TO ASCERTAIN COMPLIANCE OR NONCOMPLIANCE WITH A REGULATION WHICH MAY BE PROMULGATED UNDER AS 46.03.020 - 46.03.040; INFORMATION RELATING TO SECRET PROCESSES OR METHODS OF MANUFACTURE DISCOVERED DURING INVESTIGATION IS CONFIDENTIAL;

(7) CONDUCT INVESTIGATIONS AND HOLD HEARINGS AND COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ACCOUNTS, BOOKS AND DOCUMENTS BY THE ISSUANCE OF A SUBPOENA;

(8) ADVISE AND COOPERATE WITH MUNICIPAL, REGIONAL AND OTHER LOCAL AGENCIES AND OFFICIALS IN THE STATE, TO CARRY OUT THE PURPOSES OF THIS CHAPTER;

(9) ACT AS THE OFFICIAL AGENCY OF THE STATE IN ALL MATTERS AFFECTING THE PURPOSES OF THE DEPARTMENT UNDER FEDERAL LAWS NOW OR HEREAFTER ENACTED;

(10) ADOPT REGULATIONS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS CHAPTER, INCLUDING, BY WAY OF EXAMPLE AND NOT LIMITATION, REGULATIONS PROVIDING FOR

(A) CONTROL, PREVENTION AND ABATEMENT OF AIR, WATER, OR LAND OR SUBSURFACE LAND POLLUTION;

(B) SAFEGUARD STANDARDS FOR PETROLEUM AND NATURAL

GAS PIPELINE CONSTRUCTION, OPERATION, MODIFICATION OR ALTERATION;

(C) PROTECTION OF PUBLIC WATER SUPPLIES BY ESTABLISHING MINIMUM DRINKING WATER STANDARDS, AND STANDARDS FOR THE CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE OF PUBLIC WATER SUPPLY SYSTEMS;

(D) COLLECTION AND DISPOSAL OF SEWAGE AND INDUSTRIAL WASTE;

(E) COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, AND OTHER DISCARDED SOLID MATERIALS FROM INDUSTRIAL, COMMERCIAL, AGRICULTURAL AND COMMUNITY ACTIVITIES OR OPERATIONS;

(F) REPEALED BY SEC. 12 CH 172 SLA 1976.

(G) CONTROL OF PESTICIDES;

(H) SUCH OTHER PURPOSES AS MAY BE REQUIRED FOR THE IMPLEMENTATION OF THE POLICY DECLARED IN AS 46.03.010;

(I) HANDLING, TRANSPORTATION, TREATMENT, STORAGE, AND DISPOSAL OF HAZARDOUS WASTES;

(ii) AFTER CONSULTATION WITH OTHER STATE AGENCIES AND LOCAL GOVERNMENT OFFICIALS, IDENTIFY AND PROPOSE FOR ADDITIONAL OR DELETION, BY REGULATION, OTHER LICENSES, PERMITS OR AUTHORIZATIONS FOR WHICH THE PROVISIONS OF AS 46.35 ARE APPLICABLE, AND REPORT ANNUALLY TO THE LEGISLATURE THE PERMITS WHICH HAVE BEEN INCLUDED OR DELETED.

DOCUMENTS 1 TO 1 PAGE = 1 OF 1
AS46.03.090 DOCUMENT= 1 OF 1
CITATION SEC. 46.03.090.
CATCH LINE

PLANS FOR POLLUTION DISPOSAL.

TEXT THE DEPARTMENT MAY REQUIRE THE SUBMISSION OF PLANS FOR SEWAGE AND INDUSTRIAL WASTE DISPOSAL OR TREATMENT OR BOTH FOR A PUBLICLY OR PRIVATELY OWNED OR OPERATED INDUSTRIAL ESTABLISHMENT, COMMUNITY, PUBLIC OR PRIVATE PROPERTY SUBDIVISION OR DEVELOPMENT.

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

DOCUMENTS 1 TO 1 PAGE = 1 OF 1
AS46.03.050 DOCUMENT= 1 OF 1
CITATION SEC. 46.03.050.
CATCH LINE

AUTHORITY.

TEXT THE DEPARTMENT HAS JURISDICTION TO PREVENT AND ABATE THE POLLUTION OF THE WATERS OF THE STATE.

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

COMMITTEE REPORT

HOUSE

4/4

Rule

(9)

FURTHER:

5/1/85

Date: April 4, 1986

The Committee on RESOURCES has had HB 417

"An Act annulling a regulation requiring a person proposing a subdivision to submit certain information to the Department of Environmental Conservation."

under consideration and recommends:

- [XX] do pass [] do not pass
- [] do pass with attached amendments(s)
- [] replace with CS for _____ [] same title [] new title
- and recommends _____
- [] AND attaches a "Letter of Intent" [] New Fiscal Note [✓] Zero Fiscal Note Attached
- [] reports it back without recommendation *W/ Analysis Sup 108*
- [] referred to the _____ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

Herrmann *[Signature]*

Miller(NP) *M.W. Miller*

Thompson *David W. Thompson*

Jenkins *[Signature]*

Cato *Bette Cato*

[Signature]

Pearce

[Signature]
CO-CHAIRMAN Herrmann

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 417
 Title : Annulling regulation requiring person to submit subdivision information to ADEC
 Sponsor : Marrou
 Requestor : ---
 Date of Request : ---

FISCAL DETAIL

Agency Affected : ADEC
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS : None

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This zero fiscal note should be entered into the record with the attached analysis which addresses the impossibility to accurately assess the cost of repairing the damage caused by failed systems statewide in years to come

Prepared by : Dan Easton Phone : 465-2600
 Division : Environmental Quality Date : 4/3/86

Approved by Commissioner : Bill Ross *Amy D. Kyle / for* Date : 4/3/86
 Agency : Environmental Conservation

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 417

It is impossible to accurately assess the fiscal impact of passage of this bill. While the four positions currently devoted to reviewing subdivision plans would no longer be required to do that, they would undoubtedly be needed to respond to the increased complaints resulting from failed wastewater disposal systems.

While the net fiscal impact will probably be to increase departmental costs related to residential wastewater treatment and disposal, the zero fiscal note is mandated by the fact that those additional costs cannot be quantified at this time, but it is believed they would be substantial.

POSITION PAPER

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BILL No. HB 417

DATE April 3, 1986

TITLE: Annuling a regulation requiring a person proposing a subdivision to submit certain information to the Department of Environmental Conservation

The Department of Environmental Conservation opposes this legislation. The main reasons for this opposition are:

- (1) its enactment would threaten the health, safety, and welfare of Alaska's citizens;
- (2) very positive support for department review of subdivision plans has been received from municipalities statewide;
- (3) the Administrative Regulation Review Committee of the 1977 Legislature convened public hearings to evaluate the necessity of 18 AAC 72.065, and determined that there was a valid need for it;
- (4) while on the surface, this legislation would appear to reduce fiscal impact, the attached fiscal note explains the impossibility of forecasting the cost to the State to repair the damage done by failing systems statewide;
- (5) most of the other states have the same or a very similar provision as that proposed for annulment; and
- (6) there may be a separation of powers issue here that needs to be addressed by the Attorney General.

A more comprehensive analysis of our position follows.

* * * * *

AS 44.46.020(4) mandates that this department take "primary responsibility for the promulgation and enforcement of regulations setting standards for the prevention and abatement of all water, land, sub-surface land and air pollution, and other sources or potential sources of pollution of the environment." (Emphasis added)

That law further prescribes that the department shall "take such actions as are necessary and proper to further the policy declared in AS 46.03.010," which is the legislature's declaration of environmental policy:

(a) It is the policy of the state to conserve, improve and protect its natural resources and environment and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being.

(b) It is the policy of the state to improve and coordinate the environmental plans, functions, powers and programs of the state, in cooperation with the federal government, regions, local governments, other public and private organizations and concerned individuals, and to develop and manage the basic resources of water, land and air to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations. (Emphasis added)

AS 46.03.090 provides:

The department may require the submission of plans for sewage and industrial waste disposal or treatment or both for a publicly or privately owned or operated industrial establishment, community, public or private property subdivision or development. (Emphasis added)

Our mandate to protect the environment and public health includes AS 46.03.090; and 18 AAC 72 is the vehicle we use to prevent serious diseases that are spread either by contamination of drinking water systems with sewage, or by sewage surfacing in a yard. It is also our responsibility, as "trustee of the environment for . . . future generations," to guard against the need for the State of Alaska to have to address the need for expensive remedial construction of subdivision wastewater disposal systems which were improperly designed.

Our review also provides some assurance that potential property buyers are given proper and sufficient notice before their decision to buy of the suitability of the property for on-site waste disposal. Soils testing serves at least two purposes: (1) it determines whether soil absorption wastewater disposal systems can be used on a proposed lot; and (2) it determines whether the proposed lot is large enough to properly dispose of wastewater.

When septic systems are to be used to dispose of sewage on individual lots, the review entails an examination of the soil types, terrain, locations of water bodies, locations of sources of drinking water, etc. -- factors vitally important to the success or failure of such systems.

In many areas, typical septic systems simply will not work. For example, areas with permafrost, high water tables, or limited soil cover are not suitable for conventional septic systems. When the department finds that a subdivision--or a certain lot within a subdivision--is not suitable for a conventional septic system, we may require that this fact be noted on the plat or in the covenants, require that alternative methods of on-lot disposal be designed by a professional engineer and approved by the department, or stipulate other necessary conditions.

If this legislation were to become law, we would be placed in a restorative role rather than a preventative one, as systems begin to fail statewide. For that reason, in order to fulfill our mandate to protect Alaskan's health, safety, and welfare, we would need to amend 18 AAC 72.060 to require each individual landowner to perform the tests now required of the developer. The cost to the landowner to perform individual analyses would be substantially greater than the cost to the developer to perform a single, comprehensive analysis. Another problem is timing: it is not until a person has purchased the lot (and perhaps constructed a house) that the feasibility of disposing of generated wastewater is evaluated. The result would be that a substantial number of landowners could end up with undevelopable lots.

A legal Opinion dated November 13, 1975, states that:

Certainly, no broader mandate to protect the . . . environment and abate . . . pollution can be found than that contained in Title 46, Chapter 3.

. . . .

Section 010 makes it abundantly clear that the purpose of Title 46 is not to merely control certain types of polluting activities, but to control and abate pollution.

. . . .

[P]rivately-created residential subdivisions have caused, and will continue to cause, often catastrophic impacts on marshland and wetland areas. (November 13, 1975, Op. Att'y Gen., citations omitted, emphasis added)

That Opinion concludes that residential subdivisions fall within the definition of "commercial" development, and that there was, therefore

a greater need for supervision . . . where the dominant factor is the hope for profit than in a non-commercial development where land is being prepared for public enjoyment or divided for family distribution or for some other purpose than profit. In other words, commercial residential developments have a propensity for being big, concentrated and exhausting the resources of the environment. (November 13, 1975, Op. Att'y Gen., quoting In re Spring Valley Development, 300 A.2d 736, 742 (Me. 1973) (Emphasis added)

And, in an Opinion dated May 11, 1983, the Department of Law stated:

Development restrictions resulting from DEC approval . . . are a necessary result of protecting the purity of the water to be consumed by the people of the state. The regulation in question reflects a determination that in order to protect the health of the people of the state, a buffer zone must be placed around drinking water sources. In fact, if DEC chose not to enforce the regulation in favor of lessening development restrictions, there would be significant likelihood of liability if a disease then spread because of water system contamination. A consequence of the regulation may be that certain small lots will not be easily developed. If that is the case, then it is because the health of the people of the state so requires. (May 11, 1983, Op. Att'y Gen., emphasis added)

ADEC review of subdivision plans helps ensure that subdivisions formed in Alaska will not harm the environment or threaten public health. A mere submission of plans to ADEC, without authority to evaluate and rule on the quality of those plans, would surely give unfortunate or clearly unintended results to the various laws in question.

It should be kept in mind that our review can also benefit the developer. Through discussion, plans can be modified to overcome various problems with terrain, location of water bodies, or other factors that might mitigate against approval of the original plan.

We are formulating plans to improve our regulations by, among other things, clarifying requirements for subdivision plan review. By so doing, we should be able to reduce the burden on the developer while continuing to fulfill our legislative mandate. A draft should be ready this summer.

Finally, the regulation in question is now the subject of judicial review, and many of the issues which may have prompted this legislation are before both the Superior Court and the Alaska Supreme Court. We believe it would be in the public interest to have the benefit of those judicial findings before such a drastic change is made in a very important public health regulation.

Amy D. Kyle / fn

Bill Ross (Commissioner)