

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8083

HOUSE RESOURCES

84

Troyer, W.A. 1960. Roosevelt elk on Afognak Island, Alaska. *J. Wildl. Manage.* 24:15-21.

Troyer found that during fall and winter, elk on Afognak Island decreased their consumption of grasses and annual forbs and increased their consumption of browse (shrub) species.

HABITAT REQUIREMENTS

Nyberg, J.B. 1990. Interactions of timber management with deer and elk. Pages 99-131 in *Deer and elk habitats in coastal forests of southern British Columbia*. J.B. Nyberg and D.W. Janz, ed. British Columbia Ministry of Forests and Environment, Victoria, B.C. 310pp.

Deer and elk on Vancouver Island require mature, old-growth coniferous forests for food and cover during winters. Heterogeneous stands of old trees make the best winter ranges because they provide the optimum combination of characteristics that intercept snow and supply forage in the form of shrubs, herbs, and arboreal lichen litterfall. Where elk occur on northern and western Vancouver Island, their most heavily used winter ranges are often stands of old-growth western hemlock and Sitka spruce.

Deer make extensive use of logged areas for feeding except when snow is deep and soft. Elk on Vancouver Island use clearcuts less than deer do, but like deer, elk make heaviest use of areas near cover. Thus, the value of an open foraging area for deer and elk habitat will be higher if the logged area is kept narrow and sufficient growth of shrubs and young conifers has occurred in adjacent units to provide security cover close at hand.

Logging slash, depending on depth and density, can pose a serious barrier to deer and elk use by preventing or discouraging them from moving through the logged areas. Slash less than 12 inches has little effect on deer unless it covers more than 50% of the ground, but at slash depths greater than 12 inches, deer expend large amounts of extra energy in moving about because they must jump over obstacles. Because of their longer legs, elk can more easily negotiate greater debris depths, but the extra energy costs as debris becomes denser are still dramatic.

Forest canopies close in about 20-25 years following logging. With the development of closed canopies, thermal and snow interception cover begin to form. At the same time, dense lower branches conceal animals well, providing some of the best security cover to be found in any habitat. However, as crowns close, a period of poor forage production begins. This condition may persist for several decades if the stand remains dense, resulting in substantial decreases in forage plants for both deer and elk.



CENTRAL COUNCIL

Tlingit and Haida Indian Tribes of Alaska

ANDREW P. HOPE BUILDING

320 West Willoughby Avenue • Suite 300

Juneau, Alaska 99801-9983

Fifty-Eighth Annual General Assembly
CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
April 15-17, 1993
Sitka, Alaska

Resolution 93-39

Title: OPPOSE SENATE BILL NO. 43, ELK TRANSPLANT

Submitted by: T&H Community of Hoonah
(Resolution Committee Substitute)

WHEREAS, Senate Bill 43 would direct the Department of Fish and Game to transplant 75-100 elk each to Groving, Prince of Wales Island, Kruzof Island and Cleveland peninsula; and

WHEREAS, Elk will be in direct competition for food with the Native game such as deer; and

WHEREAS, transplanted game such as Elk could introduce disease to the Native game populations; and

WHEREAS, this transplanting of Elk will cost the State of Alaska money, money that could be used to fund the Schools of Southeast Alaska; and

WHEREAS, the management of big game animal should be best left in the hands of the Alaska Board of Fish and Game, their biologist; and

WHEREAS, Senate Bill No. 43 does not have any public input nor does it have any impact statements of the habitat of the transplanted Elk; and

WHEREAS, this bill would undermine the authority of the Alaska Board of Fish and Game, set precedence for all other lawmakers to use the House of Representatives and the Senate as their own game management plan; and

WHEREAS, we believe that State funds should not be spent implementing SB 43 while the rural communities of Southeast Alaska lack the funds for its schools to function and the educational needs of rural residents are not being met;

NOW, THEREFORE BE IT RESOLVED, by the General Assembly of the Central Council of Tlingit and Haida Indian Tribes of Alaska in session this date, that Central Council oppose in the strongest possible terms the introduction of any exotic or otherwise foreign species to the Southeastern region; and

BE IT FURTHER RESOLVED that no bills regarding the transplant of game animals or other animals be allowed to pass the House and Senate without public input and the completion of an environmental impact statement.

ADOPTED, this ___th day of April 1993, by the fifty-eighth General Assembly of the Central Council of Tlingit and Haida Indian Tribes of Alaska, in regular session at Sitka, Alaska.

CERTIFY


President.

ATTEST

Tribal Secretary

Larry Holmes
Chairman Anchorage
Fish and Game Advisory Committee
P.O. Box 454
Girdwood, AK 99587

March 31, 1993

The Honorable Rick Halford
President of the Senate
Room 111
State Capitol
Juneau 99801-1182

Dear Senator Halford:

The Anchorage Fish and Game Advisory Committee opposes unanimously:

- 1) SB 43, requiring elk to be transplanted to certain Southeast Alaska islands where they are not indigenous;
- 2) SB 46, to allow moose farming; and
- 3) SB 77 and HB 141, to require intensive management of game species.

The Anchorage Fish and Game Advisory Committee is an elected body that represents Anchorage hunters, anglers, and many other types of wildlife users of a consumptive and non consumptive nature; in fact we have more than a dozen user interests represented on our committee.

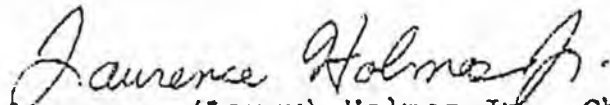
We are unanimous in opposing these bills because they all share the common error of bringing the legislature into issues of fish and wildlife management at a level best left to the Department of Fish and Game. We believe the legislature's role in fish and game is best one of general guidance rather than specific direction. Historically, the legislature has wisely left such specific issues as these to the agencies with the necessary expertise. In fact, the need for such expertise is the very reason the legislature established such agencies in the first place.

Each bill raises concerns best left to departmental discretion. Regarding SB 43, the impact of elk on deer has been of concern to Alaska Department of Fish and Game biologists. The potential for disease transmission to and displacement of the indigenous black tail deer by elk needs to be studied further before we expand elk herds in southeast Alaska. From a user's perspective, certainly many Southeast Alaskans value deer in the freezer each winter more than an occasional shot at an elk.

Regarding SB 46, we think moose farming raises concerns of disease, and in our opinion, has no place in Alaska in that it abuses Alaska's native species and diminishes appreciation of wild stocks. Good hunting will only survive with good ethics. It won't survive if we turn our game stocks into merely wild versions of farm animals.

Regarding SB 77 and HB 141, we think this is the worst of bills. It guts the discretion that is wisely placed in the Board of Game to rely on agency expertise and instead directs the board to pursue intensive management of certain species for consumptive use to the detriment of other species and other uses. As hunters, fishers and other users we appreciate Alaska as a wild place. We don't want it turned into a game farm.

Sincerely,



Laurence (Larry) Holmes Jr., Chairman
Anchorage Fish and Game Advisory Committee.

LH:rlj

cc: Members of the Senate
Members of the House



Alaska State Legislature

Please enter into the record my testimony to the House Resources
 committee name
 committee on SB 43 Elk, dated 19 APRIL 1993.
 bill/subject

It seems to me that this issue has been taking up a lot of time of a lot of people and since this is not a life & death issue nor a necessary issue, I find it curious to me that the Alaska legislators are spending so much time on it to prove to me ^{that it's okay} to put Elk on Kruzot Island. I may add that a Dept. of this State has gone on record as saying it may not be prudent to pass this bill so fast. Why the rush? This is the same body of legislators who lived itemed out a library for the blind, who cut movies for some schools, libraries, public radio, senior citizen programs to name a few. Who is benefiting from this bill? Have you lost sight of your jobs? I want to go on record opposed to this bill. ~~W. A. Dost~~

Signed: Jane E. Edl
 Testifier
Self
 Representing (Optional)
P.O. Box 1673 Sitka
 Address
747-5354
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Comm.
 committee name
 committee on Elk transplants, dated 4/19/93
 bill/subject

I am opposed to the elk transfer. I think the advice of the Fish and Game Dept. should be followed. I feel at this time when we're cutting budgets of needed social services we can ill afford to transplant elk.

Historically animal transplants has been extremely unsuccessful - remember the "7th. Cut fish transplant?"

Signed: Cliffhille Bahovec
 Testifier

Self
 Representing (Optional)

627 De Kroy St. Sitka, Ak. 99835
 Address

747-8185
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Resources
committee name

committee on SB 43 Transplantation Elk, dated 19 April, 1993
bill/subject

Statements by legislators regarding our
fear F and G bird guests are disgusting and regretful!
These people have been chosen for their outstanding
qualifications and they are definitely more qualified
to make the decisions on this Act than any of the
legislators.

Bison once ranged over entire North America
and were native to the area, much of also. Native elders
in Sitka describe hunting techniques for hunting goats, eggots
would first be stunned and drop to the trees, then a follow-
up arrow designed to kill it in place & not fall from
high above & be lost. They too must have been native
at the time. Goat introduction to Olympic Peninsula has
been described as a disaster.

As a former health worker in many Alaskan communities, I know
there are health and social needs which are crying for the
attention of the legislature. Money and time spent on this
Act is a luxury we cannot and should not afford.

Signed: Helen Hooper Drew
Testifier

Myself
Representing (Optional)

1011 Halibut Point Rd, Sitka 99835
Address

747-8019
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Natural Resources
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 bill/subject

It is fiscally irresponsible to mandate Fish & Game to transplant Elk to S.E. AK in light of the budget cuts that are being implemented statewide. This project will be expensive.

In addition we have a viable deer herd in S.E. Alaska and nothing should be done to threaten it.

Finally, game management should not be done by decree.

Signed: Wm. A. Stortz
 Testifier

Representing (Optional)
PO Box 6199 Sitka 99835
 Address
747-5916
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Resources
 committee name
 committee on Senate Bill #43, dated April 19, 1993.
 bill/subject
Elk Transplant

I oppose Senate Bill # 43.
 I recommend you oppose passage of this bill.
 I recommend that the legislature restrain itself
 from the temptation to micromanage introduction
 & management of fish & game species.
 I also recommend severe state dollars be
 utilized for higher priority projects in the fish &
 wildlife department.
 If you must pass this bill then I recommend
 the following amendments over

Signed: Eric W. Jaden
 Testifier
Self
 Representing (Optional)
103 Gibson, S. Hwy, AK 99835
 Address
(907) 747-6743
 Phone No.

Suggest line 3 shall be amended
to MAY.

Suggest line 4 read

Transplant a disease free population
of elk sufficient to establish a genetically
viable population to each

Suggest line 5 be amended to delete
Kruzof Island.

If line 5 is not amended to delete
Kruzof Island then amend to put
Kruzof after Prince of Wales.

By proposing these Amendments, I do not mean
to support the transplant in any way. These amendments
will serve only to make the bill less onerous.

Thankyou Eric J. L



Alaska State Legislature

Please enter into the record my testimony to the House Resources
committee name

committee on Elk SB43, dated April 19, 1993
bill/subject

I am opposed to Elk in S.E. Alaska. Why spend a lot of money on this project while cutting money to Fish+Games budget education, etc... when we DO NOT NEED elk? The deer hunting in S.E. is good. To many people deer are a subsistence food. To think of jepordizing the health & strength of the deer by transplanting a competing species here seems ~~really~~ stupid to me. The deer in SE had several hard winters & numbers are down in the Sitka area from this and from there being less winter range due to logging. As logging continues

Signed: Carolyn Nichols
Testifier

self
Representing (Optional)

305 Islander Drive Sitka
Address

747-3146
Phone No.

the winter range will decline more and
will result in more + more competition for
food. Adding elk will only enlarge this
problem. I think the legislative should follow
Fish + Game's advice not to do this. The whim
of a few people desiring elk should not be
rammed thru against most peoples rational
thinking and all the biologists advice. Do not
+ransplant elk.



Anchorage Audubon Society, Inc.

P.O. Box 101161 • Anchorage, Alaska 99510 • (907) 278-3007

Representative Bill Williams
State Capitol
Juneau, AK 99801

Dear Rep. Williams,

The Anchorage Audubon Society is concerned about bills under consideration in the House regarding elk introductions (SB 43) and moose farming (SB 46). Our membership is dedicated to the maintenance of a natural diversity of wildlife in Alaska; these two bills clearly are contradictory to this goal.

Introductions of non-native species have a long history of serious, disruptive consequences for natural habitats and native wildlife species. There is no compelling reason to jeopardize Alaska's native wildlife by introducing elk to areas in which they do not naturally occur and which currently support a full complement of native wildlife. Furthermore, it seems difficult to justify such a costly proposal in light of budget constraints currently affecting the state.

Moose ranching also is an inappropriate direction for the state of Alaska. Private ownership of wildlife could lead to numerous problems, including reductions in natural wildlife populations through competition, disease, predator control, and increased poaching.

We urge you to help defeat these bills. They threaten the integrity of one of Alaska's most valuable public resources, our free-ranging, native wildlife.

Thank you for your consideration.

Sincerely,

Dan Esler
Conservation Committee



Alaska State Legislature

Please enter into the record my testimony to the House Resources committee name:

committee on Senate Bill #43, dated 4/19/93
bill/subject

To Whom It May Concern,

I support this Bill whole heartedly. I was born and raised here in Sitka and intend to live out my life here. I am one of the third generations of Kimbergs who homesteaded Krusof Island at Iris Meadows. Almost every summer about thirty or forty of us get together and visit the old homestead for a couple of weeks. I've traveled by plane, bike, boat, and foot over, across, around and through the Islands trails, roads, waterways, and mountain passes more times than most people here in Sitka. I truly believe the Island will support a large population of Elk with little, if any, threat to the Deer inhabiting it. The major concern I have is with the possible mismanagement of this transplant by our State Fish and Game Department. If they open the season on Elk migrating to Baranof, Chichagof, or other adjacent Islands this in effect would be opening the season on the protected herd due to the fact they don't police and protect transplanted stocks. As evident in the Etolin herd's migration. I also truly believe Elk would be a perfect addition and is an excellent choice to add to our wildlife throughout Southeast Alaska. The Elk is a majestic and beautiful animal, so doesn't it seem fitting that they should roam freely here in majestic and beautiful Southeast Alaska. I believe so and according to an independant pole taken here in Sitka so do approx. two-thirds of the people poled in shopping centers and offices. Lets let the majority rule - lets see democracy in action - lets see Elk in Southeast!

Thank you for your time,

Sincerely,
Jeff C. Wheeler
Lineman

Signed: *Jeff C. Wheeler*
Testifier

Jeffrey Conrad Wheeler
Representing (Optional)

2616 Halibut Point Road Sitka, Ak 99835
Address

747-6633 wk 747-6185 Hm & msg.
Phone No.



TELECOPY COVER SHEET
Sitka Legislative Information Office
Office - (907) 747-6276 Fax - (907) 747-5807

TO: Lineal LIO

ATTN: _____ FAX: _____ PHONE: _____

FROM: _____ PHONE: _____

INSTRUCTIONS: Written testimony for TC 30547 (4/19/94)
8-10 AM

House Resources Committee

SB 43 Transplant FLK

SENT: Date 4/19/93 Time _____

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____

NUMBER OF PAGES: 8 (NOT counting cover sheet)

TRANSMITTED BY: es



Alaska State Legislature

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Testifier

self
Representing (Optional)

305 Islander Drive Sitka
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Derekson Eric L



Alaska State Legislature

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Myself

Representing (Optional)

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Signed: Jane E. Edl
Testifier

Self

Representing (Optional)

P.O. Box 1673 Sitka

Address

747-5354

Phone No.



Alaska State Legislature

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Historically animal transplants has been extremely unsuccessful - remember the ? Fla. Cat fish transplant?

Signed: Cecil B. Above
 Testifier

Sees
 Representing (Optional)

627 101 Cross St. Sitka, Ak. 99835
 Address

747-8185
 Phone No.

MAR 24 1993

P.O. 1159
Ward Cove, Alaska 99928
March 22, 1993

Editor Daily News,

I would like to voice my opposition to Senator Taylor's Elk Transplant Bill as presently written. I would hate to see Elk moved to so many areas near Ketchikan when the effects on the deer population are unknown. Some people say the Elk wouldn't have any effect on the deer while others say they could be a disaster. I have heard of a study on Vancouver Island that said Elk caused a drastic decrease in deer numbers. I have also heard that the game biologist for Kodiak sent copies of a letter to several people in Ketchikan stating that deer were extremely scarce on the parts of Afognak Island where the Elk live. I support putting Elk on several islands but I am whole heartedly opposed to putting them on Cleveland Peninsula and Prince of Wales Island where deer numbers are high, when nobody can say for sure what the outcome would be. Why take a chance on hurting the deer population on such a large percentage of the area around Ketchikan.

Thank you,

Dennis Northrup
Dennis Northrup

c.c. Senator Taylor
Representative Williams
Representative Mackie
Senator Zharoff

April 8, 1993

Representative Bill Williams
State Capital
Juneau AK 99801

Re: SB 43

Please give serious consideration to the opposition of this bill which would introduce elk into additional sites in Southeast Alaska. Neither Southeast, nor any other area of Alaska, needs non-native species inserted into it. It is most presumptuous of us to think we can move animals to an area where they do not naturally occur and expect them to fit into the environment in a manner that we find acceptable. If they thrive, we shoot them. Does this really seem sensible?

This bill was created strictly for the personal interest of Robin Taylor and his associates. The state game biologists, employed at taxpayers expense, have recommended that this introduction of elk not take place; it is not a sound biological move. In addition, it would be a costly project. In the view of the current economy, we really do have better things to spend our money on. I cannot believe that the majority of your constituents support this bill. Please protect our best interests and see that it is defeated. Thank you.

Sincerely yours,



Deanna Mac Phail
P.O. Box 32422
Juneau AK 99803

April 8, 1993

Dear Sirs,

As a resident of Prince of Wales Island I would like to express my feelings on the proposed funding of an elk transplant to our island. In these days of tight budgets and limited operations for the State of Alaska, the money could be better spent in other areas of the Department of Fish and Game. There is the threat of parasites and habitat competition for our deer population that must be thoroughly evaluated. Why not have the people interested in this transplant provide all the money for a study before this plan is pushed through. Please listen to your own professionals in Fish & Game who are saying wait a minute.

Thank you for your consideration on this matter.

Sincerely,

Ellen Hannan
Box 243
Craig, Alaska 99921
826-3489

SB

46

HOUSE COMMITTEE REPORT

((9)
 Date Referred: March 15, 1993 FURTHER REFERRALS: Finance

Date of Committee Action: 4/20/94

The RESOURCES Committee considered: CSSB 46(FIN)

CS FOR SENATE BILL NO. 46(FIN) AUTHORIZE MOOSE FARMING

"An Act relating to moose farming and relating to game farming."

RECOMMENDATIONS: [] the same title
 be replaced with HCS CS SB 46 (RES) [] a new title

- [] have attached amendments(s)
- [] do pass
- [] do not pass
- [] no recommendations
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact DNR [] fiscal note(s) _____

[2] zero fiscal note F&G, DEC or fiscal note(s) _____

SIGNING-DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

[Signature]
 CHAIRMAN'S SIGNATURE

DRAFT VERSION I

8-LS0371N
Utermohe
3/30/94

HOUSE CS FOR CS FOR SENATE BILL NO. 46(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS MILLER, Frank, Pearce, Sharp, Taylor

REPRESENTATIVE Therriault

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to moose farming and relating to game farming; and providing
2 for an effective date."

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

4 * Section 1. AS 03.05.010(a) is amended to read:

5 (a) The commissioner of natural resources shall

6 (1) direct, administer, and supervise promotional and experimental
7 work, extension services, and agricultural projects for the purpose of promoting and
8 developing the agricultural industry within the state including such fields as
9 horticulture, dairying, cattle raising, fur farming, game farming, grain production,
10 vegetable production, and development of other agricultural products;

11 (2) procure and preserve all information pertaining to the development
12 of the agricultural industry and disseminate that information to the public;

13 (3) assist prospective settlers and others desiring to engage in the
14 agricultural industry in the state with information concerning areas suitable for

1 agriculture and other activities and programs essential to the development of the
2 agricultural industry in the state;

3 (4) review the marketing, financing, and development of agricultural
4 products inside the state including transportation, with special emphasis upon local
5 production, and negotiate for the marketing of agricultural products of the state with
6 federal and state agencies operating in the state;

7 (5) regulate and control the entry into the state and the transportation,
8 sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries,
9 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
10 agricultural chemicals in order to prevent the spread of pests, diseases, or toxic
11 substances injurious to the public interest, and to protect the agricultural industry
12 against fraud, deception, and misrepresentation; in this connection the commissioner
13 may require registration, inspection, and testing, and establish procedures and fees; and

14 (6) in consultation with the commissioner of fish and game, regulate
15 the farming of game farm animals [ELK IN A MANNER SIMILAR TO THE
16 MANNER IN WHICH THE COMMISSIONER REGULATES DOMESTIC
17 ANIMALS AND LIVESTOCK, TO THE EXTENT THAT IS APPROPRIATE].

18 * Sec. 2. AS 03.05.011(b) is amended to read:

19 (b) The commissioner of environmental conservation, in consultation with the
20 commissioner of fish and game, shall regulate the farming of game farm animals
21 [ELK IN A MANNER SIMILAR TO THE MANNER IN WHICH THE
22 COMMISSIONER REGULATES DOMESTIC ANIMALS AND LIVESTOCK, TO
23 THE EXTENT THAT IS APPROPRIATE].

24 * Sec. 3. AS 03.05 is amended by adding a new section to read:

25 Sec. 03.05.075. GAME FARMING. (a) A person may not engage in game
26 farming or possess game farm animals without having first obtained an annual game
27 farming license for that species from the commissioner of natural resources. The
28 commissioner shall issue a game farming license, that indicates the species of game
29 farm animal or animals for which the license is issued, to a person who intends to
30 engage in game farming of the game farm animal or animals, and possesses facilities
31 that the commissioner determines are sufficient to maintain the game farm animals

1 under positive control and to prevent injury to game farm animals and their handlers.
2 The annual game farming license fee is \$125.

3 (b) A person who holds a game farming license under this section, shall

4 (1) permanently mark each game farm animal; newborn animals must
5 be marked within six months of birth, at time of weaning, at time of sale, or at the
6 time of transfer, whichever is earlier;

7 (2) register the game farm animals, however acquired, and the progeny
8 of those animals with the commissioner within 30 days after the animals are acquired;
9 newborn animals must be registered as soon as practical but not later than 30 days
10 after marking;

11 (3) construct and maintain a fence that is adequate to prevent the
12 escape of the game farm animals and to exclude wild game;

13 (4) notify the commissioner within 30 days of the birth, sale, slaughter,
14 or death of one or more of the animals or their progeny;

15 (5) notify the commissioner of fish and game within 24 hours after

16 (A) a game farm animal escapes; the person shall submit a plan
17 to the commissicner of fish and game for the recapture of the animal; the
18 commissioner of fish and game may coordinate and assist in the recapture of
19 the animal; or

20 (B) wild big game enters a facility where game farm animals
21 are present.

22 (c) The slaughter of game farm animals and the sale of meat resulting from
23 the slaughter of game farm animals are subject to this title, regulations adopted under
24 this title, and other applicable law.

25 (d) The commissioner of natural resources or the commissioner of
26 environmental conservation may require a person who holds a game farming license
27 under this section to provide at the person's cost for a complete necropsy by a
28 veterinarian approved by the commissioner of environmental conservation to determine
29 the cause of death of a game farm animal if the cause of death is not apparent.

30 (e) The commissioner may exempt, by regulation, the game farming of free-
31 ranging reindeer under a state or federal grazing lease from provisions of this section,

1 including provisions relating to facilities to maintain game farm animals under positive
2 control. The commissioner may not exempt a person from the requirement to obtain
3 a game farming license.

4 (f) The commissioner shall adopt regulations as necessary to implement this
5 section and AS 03.05.010(a)(6).

6 (g) In this section, unless the context otherwise requires, "commissioner"
7 means the commissioner of natural resources.

8 * Sec. 4. AS 03.05.100 is amended by adding new paragraphs to read:

9 (4) "game farm animal" means lawfully owned bison, elk, reindeer, and
10 musk oxen or other lawfully owned mammal species or subspecies designated by the
11 commissioner of natural resources, with the concurrence of the commissioner of fish
12 and game; in this paragraph, "elk" means an animal of a subspecies of *Cervus elaphus*
13 indigenous to North America;

14 (5) "game farming" means an agricultural enterprise engaged in raising
15 and breeding game farm animals as domestic livestock for commercial purposes;

16 (6) "lawfully owned" means ownership was obtained without violating
17 a state or federal law or regulation, or a condition of a license or permit issued with
18 respect to the acquisition of a game farm animal.

19 * Sec. 5. AS 03.25.010 is amended to read:

20 Sec. 03.25.010. COMMISSIONER AUTHORIZED TO EMPLOY
21 VETERINARIANS. The commissioner may either independently or in cooperation
22 with the United States Department of the Interior or a college or a university or like
23 institution employ veterinarians for periods found to be to the best advantage for the
24 purpose of aid and service to the fur raising industry and game farming industry, and
25 for the purpose of aid and service to those engaged in raising livestock and other
26 domestic animals.

27 * Sec. 6. AS 03.25.020 is amended to read:

28 Sec. 03.25.020. DUTIES OF VETERINARIANS. Veterinarians shall

29 (1) visit the fur farms and game farms of the state, study problems
30 incidental to raising fur bearing animals and game farm animals, and advise those
31 engaged in the industry in matters pertaining to the breeding and care of fur bearing

1 animals and game farm animals and the prevention and cure of diseases of fur
2 bearing animals and game farm animals;

3 (2) prepare, publish, and distribute such data as the veterinarian, with
4 the advice and consent of the commissioner, considers useful to those engaged in the
5 industry;

6 (3) make reports to the commissioner when required by the
7 commissioner for transmittal to the state legislature;

8 (4) initiate and carry on experiments, on or in connection with a fur
9 farm or game farm, with relation to the care and feeding of fur bearing animals or
10 game farm animals, the improvements of the breed, or the cure or prevention of any
11 disease to which they may be subject or the extermination of the parasites by which
12 they may be attacked, and in this connection employ and pay for the necessary
13 assistance and rent and use of necessary facilities;

14 (5) perform other duties as may be prescribed by the commissioner as
15 are not inconsistent with the duties specifically imposed by this chapter;

16 (6) study problems incidental to the raising of livestock, [AND] other
17 domestic animals, and game farm animals, and advise those engaged therein upon
18 matters pertaining to the breeding, care, and the prevention and cure of diseases of
19 livestock, [AND] other domestic animals, and game farm animals.

20 * Sec. 7. AS 03.25.250 is amended to read:

21 Sec. 03.25.250. DEFINITIONS [DEFINITION]. In this chapter,

22 (1) "commissioner" means the commissioner of environmental
23 conservation;

24 (2) "game farm animal" has the meaning given in AS 03.05.100;

25 (3) "game farming" has the meaning given in AS 03.05.100.

26 * Sec. 8. AS 03.35.070(1) is amended to read:

27 (1) "domestic animal" includes goats, sheep, cattle, horses, [AND]
28 swine, and animals subject to a game farming license under AS 03.05.075;

29 * Sec. 9. AS 03.40.010 is amended to read:

30 Sec. 03.40.010. BRANDS AND MARKS. Any person owning cattle, game
31 farm animals [REINDEER, BISON, MUSKOX], sheep, horses, mules, or asses [,]

1 may adopt a brand or mark. After recording the brand or mark as provided in
2 AS 03.40.030, the person has the exclusive right to its use.

3 * Sec. 10. AS 03.40.050 is amended to read:

4 Sec. 03.40.050. USE WITHOUT CERTIFICATE PROHIBITED. A person
5 may not brand any horse, cattle, game farm animal [REINDEER, BISON,
6 MUSKCOX], mule, or ass, unless the person using the brand holds a written certificate
7 of acceptance from the commissioner.

8 * Sec. 11. AS 03.40.270 is amended to read:

9 Sec. 03.40.270. DEFINITIONS. In [AS USED IN] this chapter, [A]
10 (1) "brand" means an identification mark burned into the hide of a live
11 animal;
12 (2) "game farm animal" has the meaning given in AS 03.05.100.

13 * Sec. 12. AS 16.05.330(a) is amended to read:

14 (a) Except as otherwise permitted in this chapter, without having the
15 appropriate license or tag in actual possession a person may not engage in
16 (1) sport fishing, including the taking of razor clams;
17 (2) hunting, trapping, or fur dealing;
18 (3) the farming of fish, fur animals, or game reptiles; or
19 (4) taxidermy.

20 * Sec. 13. AS 16.05.340(a)(18)(A) is amended to read:

21 (A) Game [MAMMAL OR GAME] reptile farming biennial
22 license \$250

23 * Sec. 14. AS 16.05.940(10) is amended to read:

24 (10) "domestic mammals" include game farm animals, as defined in
25 AS 03.05.100 [MUSK OXEN, BISON, ELK, AND REINDEER, IF THEY ARE
26 LAWFULLY OWNED];

27 * Sec. 15. AS 16.40.010 is amended to read:

28 Sec. 16.40.010. DISPOSITION OF SURPLUS GAME ANIMALS [BUFFALO
29 AND MUSK OXEN]. Whenever it is determined by the department that a surplus of
30 bison, caribou, elk, moose, Sitka black-tailed deer, or musk oxen exists [IN THE
31 HERDS OF BUFFALO AND MUSK OXEN UNDER ITS CONTROL], the

1 department may, under regulations adopted by it, authorize a person to take
2 [GRANT] the surplus or portions of the surplus [IT TO PERSONS, GROUPS,
3 ASSOCIATIONS, PARTNERSHIPS, OR CORPORATIONS] for the purpose of raising
4 and breeding the animals as domestic stock for commercial purposes, for
5 experimental animal husbandry purposes, or for scientific and educational purposes.
6 A person [, GROUP, ASSOCIATION, PARTNERSHIP, OR CORPORATION] may
7 receive animals for

8 (1) commercial purposes only after

9 (A) obtaining an appropriate game farming license under
10 AS 03.05.075: and

11 (B) paying a reasonable fee that covers the costs to the
12 department of supervising and assisting with the taking and transfer of the
13 animals:

14 (2) experimental animal husbandry purposes only after obtaining
15 a permit issued by the commissioner in consultation with the commissioner of
16 natural resources and the commissioner of environmental conservation: or

17 (3) scientific and educational purposes only after obtaining the
18 appropriate permit issued under AS 16.05 [PROVING TO THE SATISFACTION
19 OF THE DEPARTMENT

20 (1) INTENT TO RAISE AND BREED THE ANIMALS; AND

21 (2) POSSESSION OF FACILITIES FOR MAINTAINING THE
22 ANIMALS UNDER POSITIVE CONTROL].

23 * Sec. 16. AS 16.40.010 is amended by adding new subsections to read:

24 (b) After a person acquires an animal under this section for commercial
25 purposes, a license or permit from the department is not required in order to possess
26 the animal. The importation, exportation, possession, and utilization of game farm
27 animals, as defined under AS 03.05.100, are subject to the provisions of AS 03 and
28 regulations adopted under AS 03. A license or permit from the department is not
29 required in order to import, export, or possess a game farm animal for commercial
30 purposes under a game farming license.

31 (c) A person may receive a permit to possess animals for experimental animal

1 husbandry purposes if the person proves to the satisfaction of the department that the
2 person intends to raise and breed the animals and possesses facilities for maintaining
3 the animals under positive control. Animals received under an experimental animal
4 husbandry permit remain property of the state while in possession of the permit holder
5 and may not be sold or otherwise transferred out of the possession of the permit
6 holder. Subject to regulations adopted by the department, a permit holder may
7 slaughter animals possessed under the permit and may sell milk, antlers, horns, fur, and
8 other products from live animals. The department may summarily revoke a permit
9 issued under this subsection and take possession of animals held under the permit if
10 the permit holder fails to comply with the terms of the permit or a statute or regulation
11 governing the possession of the animals.

12 (d) A person who holds an experimental animal husbandry permit, has
13 possessed animals under the permit for at least five years, and intends to raise the
14 animals for commercial purposes may request title to the animals in the person's
15 possession. The department shall grant title to the animals if the person has

16 (1) obtained a game farming license under AS 03.05.075;

17 (2) demonstrated the ability to properly care for and maintain the
18 animals in the person's possession; and

19 (3) complied with the terms of the experimental animal husbandry
20 permit and with statutes and regulations governing the possession of animals for
21 experimental animal husbandry purposes.

22 (e) The department shall dispose of nonfatally injured, or live abandoned or
23 orphaned calves of, bison, caribou, elk, moose, Sitka black-tailed deer, or musk oxen
24 that cannot be returned to the wild to a person who holds an appropriate game farming
25 license under AS 03.05.075 or a permit for experimental animal husbandry purposes
26 or for scientific or educational purposes.

27 (f) A live bison, caribou, elk, moose, Sitka black-tailed deer, or musk oxen
28 may not be captured from the wild or released into the wild without a permit from the
29 department.

30 * Sec. 17. AS 16.40 is amended by adding a new section to article 1 to read:

31 Sec. 16.40.060. IMPORTATION PROHIBITED. Moose, caribou, and Sitka

1 black-tailed deer may not be imported into the state for commercial or animal
2 husbandry purposes.

3 * Sec. 18. AS 16.40.020 and 16.40.050 are repealed.

4 * Sec. 19. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCS CS SB 46 (RES)

Revision Date: _____
Title: An Act Authorizing Moose Farming
Sponsor: Senator Miller
Requestor: House Resources Committee

Department Affected: Environmental Conservation
BRU: Environmental Health
Component: Animal & Dairy

COMPONENT SERIAL NO. 647

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Zero fiscal impact providing number of animals is limited to 1000 or less.

Prepared by: Bob Poe, Director
Division: Information & Administrative Services Division

Phone: 465-5010
Date: 4/21/94

Approved by Commissioner: John A. Sandor
Agency: Department of Environmental Conservation

Date: 4/21/94

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FISCAL NOTE

HCS

BILL NO. CSSB46(RES)

STATE OF ALASKA

1994 LEGISLATIVE SESSION

Revision Date: 21-Apr-94 Dept Affected: Natural Resources
 Title: "An Act relating to moose farming and relating to BRU: Agricultural Development
game farming; and providing for an effective date." Component: Agricultural Development
 Sponsor: Senator Miller
 Requestor: Senator Miller Component Serial No. 455

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL			5.0	5.0	5.0	5.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.0	5.0	10.0	10.0	10.0	10.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	5.0	10.0	10.0	10.0	10.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	5.0	5.0	10.0	10.0	10.0	10.0

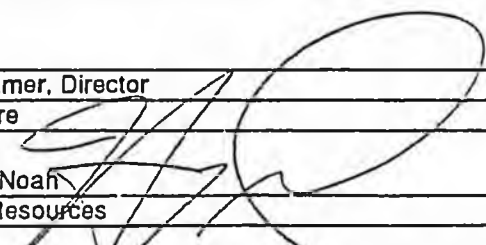
Estimate of any current year (FY94) cost: \$ None

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)

The Department of Fish & Game currently has authority to declare buffalo and musk oxen surplus and allow for their private use. This bill would allow moose to be declared surplus and thus allow the raising and breeding of moose as domestic stock for commercial purposes, or for scientific and educational purposes. The bill would also authorize the sale of moose meat.

Prepared by: John Cramer, Director Phone: 745-7200
 Division: Agriculture Date: 21-Apr-94
 Approved by Commissioner:  Date: 21-Apr-94
 Agency: Natural Resources

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCS CSSB 46(RES)

Revision Date: 4/21/94
 Title: An Act relating to moose farming and relating to game farming
 Sponsor: Senator Miller
 Requestor: House Resources

Dept. Affected: Fish and Game
 BRU: Wildlife Conservation
 Component: Wildlife Conservation
 COMPONENT SERIAL NO. 0473

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0.0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Under this bill, regulatory authority for game farming will rest with DNR and DEC. The department's responsibilities for regulating experimental animal husbandry permits would be accomplished with established permitting procedures and existing staff.

Prepared By: David G. Kellehouse, Director *GB*
 Division: Wildlife Conservation
 Approved by Commissioner: *[Signature]*
 Agency: Alaska Department of Fish and Game

Phone: 465-4190
 Date: 4/21/94
 Date: 4/21/94

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8-LS0371ND
Utermohle
3/17/94

*Draft of Revised Version
Proposed by Rep. Carney, Chair of
Resources Committee Sub-Committee*

HOUSE CS FOR CS FOR SENATE BILL NO. 46()

on SB46

IN THE LEGISLATURE OF THE STATE OF ALASKA

*(Never adopted
by Resources
Committee)*

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS MILLER, Frank, Pearce, Sharp, Taylor

REPRESENTATIVE Therriault

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to moose farming and relating to game farming; and providing
2 for an effective date."

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

4 * Section 1. AS 03.05.010(a) is amended to read:

5 (a) The commissioner of natural resources shall

6 (1) direct, administer, and supervise promotional and experimental
7 work, extension services, and agricultural projects for the purpose of promoting and
8 developing the agricultural industry within the state including such fields as
9 horticulture, dairying, cattle raising, fur farming, game farming, grain production,
10 vegetable production, and development of other agricultural products;

11 (2) procure and preserve all information pertaining to the development
12 of the agricultural industry and disseminate that information to the public;

13 (3) assist prospective settlers and others desiring to engage in the
14 agricultural industry in the state with information concerning areas suitable for

1 agriculture and other activities and programs essential to the development of the
2 agricultural industry in the state;

3 (4) review the marketing, financing, and development of agricultural
4 products inside the state including transportation, with special emphasis upon local
5 production, and negotiate for the marketing of agricultural products of the state with
6 federal and state agencies operating in the state;

7 (5) regulate and control the entry into the state and the transportation,
8 sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries,
9 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
10 agricultural chemicals in order to prevent the spread of pests, diseases, or toxic
11 substances injurious to the public interest, and to protect the agricultural industry
12 against fraud, deception, and misrepresentation; in this connection the commissioner
13 may require registration, inspection, and testing, and establish procedures and fees; and

14 (6) in consultation with the commissioner of fish and game, regulate
15 the farming of game farm animals and animals possessed under an experimental
16 animal husbandry permit under AS 03.05.075 [ELK IN A MANNER SIMILAR TO
17 THE MANNER IN WHICH THE COMMISSIONER REGULATES DOMESTIC
18 ANIMALS AND LIVESTOCK, TO THE EXTENT THAT IS APPROPRIATE].

19 * Sec. 2. AS 03.05.011(b) is amended to read:

20 (b) The commissioner of environmental conservation, in consultation with the
21 commissioner of fish and game, shall regulate the farming of game farm animals
22 and animals possessed under an experimental animal husbandry permit under
23 AS 03.05.075 [ELK IN A MANNER SIMILAR TO THE MANNER IN WHICH THE
24 COMMISSIONER REGULATES DOMESTIC ANIMALS AND LIVESTOCK, TO
25 THE EXTENT THAT IS APPROPRIATE].

26 * Sec. 3. AS 03.05 is amended by adding new sections to read:

27 Sec. 03.05.073. GAME FARMING. (a) A person may not engage in game
28 farming or possess game farm animals without having first obtained an annual game
29 farming license for that species from the commissioner of natural resources. The
30 commissioner shall issue a game farming license, that indicates the species of game
31 farm animal or animals for which the license is issued, to a person who intends to

1 engage in game farming of the game farm animal or animals, and possesses facilities
2 that the commissioner determines are sufficient to maintain the game farm animals
3 under positive control and to prevent injury to game farm animals and their handlers.
4 The annual game farming license fee is \$125.

5 (b) A person who holds a game farming license under this section, shall

6 (1) permanently mark each game farm animal; newborn animals must
7 be marked within six months of birth, at time of weaning, at time of sale, or at the
8 time of transfer, whichever is earlier;

9 (2) register the game farm animals, however acquired, and the progeny
10 of those animals with the commissioner within 30 days after the animals are acquired;
11 newborn animals must be registered as soon as practical but not later than 30 days
12 after marking;

13 (3) construct and maintain a fence that is adequate to prevent the
14 escape of the game farm animals and to exclude wild game;

15 (4) notify the commissioner within 30 days of the birth, sale, slaughter,
16 or death of one or more game farm animals or their progeny;

17 (5) notify the commissioner of fish and game within 24 hours after

18 (A) a game farm animal escapes; the person shall submit a plan
19 to the commissioner of fish and game for the recapture of the animal; the
20 commissioner of fish and game may coordinate and assist in the recapture of
21 the animal; or

22 (B) wild big game enters a facility where game farm animals
23 are present.

24 (c) The slaughter of game farm animals and the sale of meat resulting from
25 the slaughter of game farm animals are subject to this title, regulations adopted under
26 this title, and other applicable law.

27 (d) The commissioner of natural resources or the commissioner of
28 environmental conservation may require a person who holds a game farming license
29 under this section to provide at the person's cost for a complete necropsy by a
30 veterinarian approved by the commissioner of environmental conservation to determine
31 the cause of death of a game farm animal if the cause of death is not apparent.

1 (e) The commissioner may exempt, by regulation, the game farming of free-
2 ranging reindeer under a state or federal grazing lease from provisions of this section,
3 including provisions relating to facilities to maintain game farm animals under positive
4 control. The commissioner may not exempt a person from the requirement to obtain
5 a game farming license.

6 (f) The commissioner shall adopt regulations as necessary to implement this
7 section and AS 03.05.010(a)(6).

8 (g) In this section, unless the context otherwise requires, "commissioner"
9 means the commissioner of natural resources.

10 Sec. 03.05.075. EXPERIMENTAL ANIMAL HUSBANDRY PERMIT. A
11 person may receive a permit to possess animals for experimental animal husbandry
12 purposes if the person proves to the satisfaction of the commissioner of natural
13 resources that the person intends to raise and breed the animals and possesses facilities
14 for maintaining the animals under positive control. Animals received under
15 AS 16.40.010 and possessed under an experimental animal husbandry permit remain
16 property of the state and may not be sold or otherwise transferred out of the possession
17 of the permit holder. Subject to regulations adopted by the commissioner of natural
18 resources, a permit holder may slaughter and sell the meat from animals possessed
19 under the permit, sell milk, antlers, horns, fur, and other products from live animals,
20 and may charge a fee to the public for viewing of the animals. The preparation and
21 sale of meat or other products under this section for human consumption are subject
22 to this title and regulations adopted under this title. Except as otherwise expressly
23 provided in this section, the possession of animals for experimental animal husbandry
24 purposes is subject to this title and regulations adopted under this title in the same
25 manner as the possession of game farm animals. The commissioner of natural
26 resources shall, at the request of the commissioner of fish and game, summarily revoke
27 a permit issued under this section and transfer possession of animals held under the
28 permit to the commissioner of fish and game, if the permit holder fails to comply with
29 the terms of the permit or a statute or regulation governing the possession of the
30 animals.

31 Sec. 03.05.078. IMPORTATION PROHIBITED. Moose or caribou may not

1 be imported into the state for commercial or animal husbandry purposes.

2 * Sec. 4. AS 03.05.100 is amended by adding new paragraphs to read:

3 (4) "game farm animal" means lawfully owned bison, caribou, elk,
4 moose, reindeer, and musk oxen or other lawfully owned mammal species or
5 subspecies designated by the commissioner of natural resources, with the concurrence
6 of the commissioner of fish and game; in this paragraph, "elk" means an animal of a
7 subspecies of *Cervus elaphus* indigenous to North America;

8 (5) "game farming" means an agricultural enterprise engaged in raising
9 and breeding game farm animals as domestic livestock for commercial purposes;

10 (6) "lawfully owned" means ownership was obtained without violating
11 a state or federal law or regulation, or a condition of a license or permit issued with
12 respect to the acquisition of a game farm animal.

13 * Sec. 5. AS 03.25.010 is amended to read:

14 Sec. 03.25.010. COMMISSIONER AUTHORIZED TO EMPLOY
15 VETERINARIANS. The commissioner may either independently or in cooperation
16 with the United States Department of the Interior or a college or a university or like
17 institution employ veterinarians for periods found to be to the best advantage for the
18 purpose of aid and service to the fur raising industry and game farming industry, and
19 for the purpose of aid and service to those engaged in raising livestock and other
20 domestic animals.

21 * Sec. 6. AS 03.25.020 is amended to read:

22 Sec. 03.25.020. DUTIES OF VETERINARIANS. Veterinarians shall

23 (1) visit the fur farms and game farms of the state, study problems
24 incidental to raising fur bearing animals and game farm animals, and advise those
25 engaged in the industry in matters pertaining to the breeding and care of fur bearing
26 animals and game farm animals and the prevention and cure of diseases of fur
27 bearing animals and game farm animals;

28 (2) prepare, publish, and distribute such data as the veterinarian, with
29 the advice and consent of the commissioner, considers useful to those engaged in the
30 industry;

31 (3) make reports to the commissioner when required by the

1 commissioner for transmittal to the state legislature;

2 (4) initiate and carry on experiments, on or in connection with a fur
3 farm or game farm, with relation to the care and feeding of fur bearing animals or
4 game farm animals, the improvements of the breed, or the cure or prevention of any
5 disease to which they may be subject or the extermination of the parasites by which
6 they may be attacked, and in this connection employ and pay for the necessary
7 assistance and rent and use of necessary facilities;

8 (5) perform other duties as may be prescribed by the commissioner as
9 are not inconsistent with the duties specifically imposed by this chapter,

10 (6) study problems incidental to the raising of livestock, [AND] other
11 domestic animals, and game farm animals, and advise those engaged therein upon
12 matters pertaining to the breeding, care, and the prevention and cure of diseases of
13 livestock, [AND] other domestic animals, and game farm animals.

14 * Sec. 7. AS 03.25.250 is amended to read:

15 Sec. 03.25.250. DEFINITIONS [DEFINITION]. In this chapter,

16 (1) "commissioner" means the commissioner of environmental
17 conservation;

18 (2) "game farm animal" includes animals possessed under a game
19 farming license under AS 03.05.073 or an experimental animal husbandry permit
20 under AS 03.05.075;

21 (3) "game farming" has the meaning given in AS 03.05.100.

22 * Sec. 8. AS 03.30 is amended by adding a new section to read:

23 Sec. 03.30.070. INTERFERENCE WITH GAME FARM FENCES AND
24 GATES. (a) A person may not knowingly alter or damage the fence of a game farm
25 in a manner that would allow game farm animals to escape from the game farm.

26 (b) Except with the permission of the person who lawfully possesses the game
27 farm animals, a person may not knowingly open the gate of an enclosure or fenced
28 area where game farm animals are present and

29 (1) fail to close the gate; or

30 (2) allow game farm animals to leave the enclosure or fenced area.

31 (c) A person who violates this section is guilty of a class A misdemeanor.

1 (d) In this section,

2 (1) "game farm animal" includes animals possessed under a game
3 farming license under AS 03.05.073 or an experimental animal husbandry permit under
4 AS 03.05.075;

5 (2) "knowingly" has the meaning given in AS 11.81.900 and shall be
6 construed in accordance with AS 11.81.610(c).

7 * Sec. 9. AS 03.35.070(1) is amended to read:

8 (1) "domestic animal" includes goats, sheep, cattle, horses, [AND]
9 swine, and animals possessed under a game farming license under AS 03.05.073
10 or an experimental animal husbandry permit under AS 03.05.075;

11 * Sec. 10. AS 03.40.010 is amended to read:

12 Sec. 03.40.010. BRANDS AND MARKS. Any person owning cattle, game
13 farm animals [REINDEER, BISON, MUSKOX], sheep, horses, mules, or asses [,]
14 may adopt a brand or mark. After recording the brand or mark as provided in
15 AS 03.40.030, the person has the exclusive right to its use.

16 * Sec. 11. AS 03.40.050 is amended to read:

17 Sec. 03.40.050. USE WITHOUT CERTIFICATE PROHIBITED. A person
18 may not brand any horse, cattle, game farm animal, [REINDEER, BISON,
19 MUSKOX] mule, or ass, unless the person using the brand holds a written certificate
20 of acceptance from the commissioner.

21 * Sec. 12. AS 03.40.270 is amended to read:

22 Sec. 03.40.270. DEFINITIONS. In [AS USED IN] this chapter, [A]

23 (1) "brand" means an identification mark burned into the hide of a live
24 animal;

25 (2) "game farm animal" has the meaning given in AS 03.05.100.

26 * Sec. 13. AS 16.05.330(a) is amended to read:

27 (a) Except as otherwise permitted in this chapter, without having the
28 appropriate license or tag in actual possession a person may not engage in

29 (1) sport fishing, including the taking of razor clams;

30 (2) hunting, trapping, or fur dealing;

31 (3) the farming of fish, fur animals, or game reptiles; or

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(4) taxidermy.

* Sec. 14. AS 16.05.340(a)(18)(A) is amended to read:

(A) Game [MAMMAL OR GAME] reptile farming biennial license \$250

* Sec. 15. AS 16.05.940(10) is amended to read:

(10) "domestic mammals" include game farm animals, as defined in AS 03.05.100 [MUSK OXEN, BISON, ELK, AND REINDEER, IF THEY ARE LAWFULLY OWNED];

* Sec. 16. AS 16.40.010 is amended to read:

Sec. 16.40.010. DISPOSITION OF SURPLUS GAME ANIMALS [BUFFALO AND MUSK OXEN]. Whenever it is determined by the department that a surplus of bison, caribou, elk, moose, or musk oxen exists [IN THE HERDS OF BUFFALO AND MUSK OXEN UNDER ITS CONTROL], the department may, under regulations adopted by it, authorize a person to take [GRANT] the surplus or portions of the surplus to a person [IT TO PERSONS, GROUPS, ASSOCIATIONS, PARTNERSHIPS, OR CORPORATIONS] for the purpose of raising and breeding the animals as domestic stock for commercial purposes, for experimental animal husbandry purposes, or for scientific and educational purposes. A person [, GROUP, ASSOCIATION, PARTNERSHIP, OR CORPORATION] may receive animals for

(1) commercial purposes only after

(A) obtaining an appropriate game farming license under AS 03.05.073; and

(B) paying a reasonable fee that covers the costs to the department of supervising and assisting with the taking and transfer of the animals;

(2) experimental animal husbandry purposes only after obtaining a permit issued under AS 03.05.075; or

(3) scientific and educational purposes only after obtaining the appropriate permit issued under AS 16.05 [PROVING TO THE SATISFACTION OF THE DEPARTMENT

(1) INTENT TO RAISE AND BREED THE ANIMALS; AND

1 (2) POSSESSION OF FACILITIES FOR MAINTAINING THE
2 ANIMALS UNDER POSITIVE CONTROL].

3 * Sec. 17. AS 16.40.010 is amended by adding new subsections to read:

4 (b) After a person acquires an animal under this section for commercial
5 purposes, a license or permit from the department is not required in order to possess
6 the animal. The possession and utilization of animals acquired under this section for
7 commercial purposes or for experimental animal husbandry purposes and the
8 importation, exportation, possession, and utilization of game farm animals, as defined
9 under AS 03.05.100, are subject to the provisions of AS 03 and regulations adopted
10 under AS 03. A license or permit from the department is not required in order to
11 import, export, or possess a game farm animal for commercial purposes under a game
12 farming license.

13 (c) A person who received animals under this section and possesses the
14 animals under an experimental animal husbandry permit under AS 03.05.075, has
15 possessed animals under the permit for at least two years, and intends to raise the
16 animals for commercial purposes may request title to the animals and their progeny
17 that are in the person's possession. The department shall grant title to the animals and
18 their progeny if the person has

19 (1) obtained a game farming license under AS 03.05.073;

20 (2) demonstrated the ability to properly care for and maintain the
21 animals in the person's possession; and

22 (3) complied with the terms of the experimental animal husbandry
23 permit and with statutes and regulations governing the possession of animals for
24 experimental animal husbandry purposes.

25 (d) The department shall dispose of nonfatally injured, or live abandoned or
26 orphaned calves of, bison, caribou, elk, moose, or musk oxen that cannot be returned
27 to the wild to a person who holds an appropriate game farming license under
28 AS 03.05.073, a permit for experimental animal husbandry purposes under
29 AS 03.05.075, or a permit for scientific or educational purposes.

30 (e) A live bison, caribou, elk, moose, or musk oxen may not be captured from
31 the wild or released into the wild without a permit from the department.

- 1 (f) In this section, surplus animals include those animals that are
2 (1) unnecessary to the sustained yield management of a game
3 population;
4 (2) members of a game population that currently exceed the carrying
5 capacity of its habitat;
6 (3) members of a game population for which there is no closed season
7 on the take of animals from the game population; or
8 (4) problem animals that are a danger to persons, property, or
9 themselves, by their proximity to a highway, a railroad, or an urban area.
10 * Sec. 18. AS 16.40.020 and 16.40.050 are repealed.
11 * Sec. 19. This Act takes effect immediately under AS 01.10.070(c).

8-LS0371NX
Utermohle
3/8/94

HOUSE CS FOR CS FOR SENATE BILL NO. 46()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS MILLER, Frank, Pearce, Sharp, Taylor

REPRESENTATIVE Therriault

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to moose farming and relating to game farming; and providing
2 for an effective date."

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

4 * Section 1. AS 03.05.010(a) is amended to read:

5 (a) The commissioner of natural resources shall

6 (1) direct, administer, and supervise promotional and experimental
7 work, extension services, and agricultural projects for the purpose of promoting and
8 developing the agricultural industry within the state including such fields as
9 horticulture, dairying, cattle raising, fur farming, game farming, grain production,
10 vegetable production, and development of other agricultural products;

11 (2) procure and preserve all information pertaining to the development
12 of the agricultural industry and disseminate that information to the public;

13 (3) assist prospective settlers and others desiring to engage in the
14 agricultural industry in the state with information concerning areas suitable for

1 agriculture and other activities and programs essential to the development of the
2 agricultural industry in the state;

3 (4) review the marketing, financing, and development of agricultural
4 products inside the state including transportation, with special emphasis upon local
5 production, and negotiate for the marketing of agricultural products of the state with
6 federal and state agencies operating in the state;

7 (5) regulate and control the entry into the state and the transportation,
8 sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries,
9 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
10 agricultural chemicals in order to prevent the spread of pests, diseases, or toxic
11 substances injurious to the public interest, and to protect the agricultural industry
12 against fraud, deception, and misrepresentation; in this connection the commissioner
13 may require registration, inspection, and testing, and establish procedures and fees; and

14 (6) in consultation with the commissioner of fish and game, regulate
15 the farming of game farm animals and animals subject to an experimental animal
16 husbandry permit under AS 16.40.010 [ELK IN A MANNER SIMILAR TO THE
17 MANNER IN WHICH THE COMMISSIONER REGULATES DOMESTIC
18 ANIMALS AND LIVESTOCK, TO THE EXTENT THAT IS APPROPRIATE].

19 * Sec. 2. AS 03.05.011(b) is amended to read:

20 (b) The commissioner of environmental conservation, in consultation with the
21 commissioner of fish and game, shall regulate the farming of game farm animals
22 and animals subject to an experimental animal husbandry permit under
23 AS 16.40.010 [ELK IN A MANNER SIMILAR TO THE MANNER IN WHICH THE
24 COMMISSIONER REGULATES DOMESTIC ANIMALS AND LIVESTOCK, TO
25 THE EXTENT THAT IS APPROPRIATE].

26 * Sec. 3. AS 03.05 is amended by adding a new section to read:

27 Sec. 03.05.075. GAME FARMING. (a) A person may not engage in game
28 farming or possess game farm animals without having first obtained an annual game
29 farming license for that species from the commissioner of natural resources. The
30 commissioner shall issue a game farming license, that indicates the species of game
31 farm animal or animals for which the license is issued, to a person who intends to

1 engage in game farming of the game farm animal or animals, and possesses facilities
2 that the commissioner determines are sufficient to maintain the game farm animals
3 under positive control and to prevent injury to game farm animals and their handlers.
4 The annual game farming license fee is \$125.

5 (b) A person who holds a game farming license under this section, shall

6 (1) permanently mark each game farm animal; newborn animals must
7 be marked within six months of birth, at time of weaning, at time of sale, or at the
8 time of transfer, whichever is earlier;

9 (2) register the game farm animals, however acquired, and the progeny
10 of those animals with the commissioner within 30 days after the animals are acquired;
11 newborn animals must be registered as soon as practical but not later than 30 days
12 after marking;

13 (3) construct and maintain a fence that is adequate to prevent the
14 escape of the game farm animals and to exclude wild game;

15 (4) notify the commissioner within 30 days of the birth, sale, slaughter,
16 or death of one or more of the animals or their progeny;

17 (5) notify the commissioner of fish and game within 24 hours after

18 (A) a game farm animal escapes; the person shall submit a plan
19 to the commissioner of fish and game for the recapture of the animal; the
20 commissioner of fish and game may coordinate and assist in the recapture of
21 the animal; or

22 (B) wild big game enters a facility where game farm animals
23 are present.

24 (c) The slaughter of game farm animals and the sale of meat resulting from
25 the slaughter of game farm animals are subject to this title, regulations adopted under
26 this title, and other applicable law.

27 (d) The commissioner of natural resources or the commissioner of
28 environmental conservation may require a person who holds a game farming license
29 under this section to provide at the person's cost for a complete necropsy by a
30 veterinarian approved by the commissioner of environmental conservation to determine
31 the cause of death of a game farm animal if the cause of death is not apparent.

1 (e) The commissioner may exempt, by regulation, the game farming of free-
2 ranging reindeer under a state or federal grazing lease from provisions of this section,
3 including provisions relating to facilities to maintain game farm animals under positive
4 control. The commissioner may not exempt a person from the requirement to obtain
5 a game farming license.

6 (f) The commissioner shall adopt regulations as necessary to implement this
7 section and AS 03.05.010(a)(6).

8 (g) In this section, unless the context otherwise requires, "commissioner"
9 means the commissioner of natural resources.

10 * Sec. 4. AS 03.05.100 is amended by adding new paragraphs to read:

11 (4) "game farm animal" means lawfully owned bison, caribou, elk,
12 moose, Sitka black-tailed deer, reindeer, and musk oxen or other lawfully owned
13 mammal species or subspecies designated by the commissioner of natural resources,
14 with the concurrence of the commissioner of fish and game; in this paragraph, "elk"
15 means an animal of a subspecies of *Cervus elaphus* indigenous to North America;

16 (5) "game farming" means an agricultural enterprise engaged in raising
17 and breeding game farm animals as domestic livestock for commercial purposes;

18 (6) "lawfully owned" means ownership was obtained without violating
19 a state or federal law or regulation, or a condition of a license or permit issued with
20 respect to the acquisition of a game farm animal.

21 * Sec. 5. AS 03.25.010 is amended to read:

22 Sec. 03.25.010. COMMISSIONER AUTHORIZED TO EMPLOY
23 VETERINARIANS. The commissioner may either independently or in cooperation
24 with the United States Department of the Interior or a college or a university or like
25 institution employ veterinarians for periods found to be to the best advantage for the
26 purpose of aid and service to the fur raising industry and game farming industry, and
27 for the purpose of aid and service to those engaged in raising livestock and other
28 domestic animals.

29 * Sec. 6. AS 03.25.020 is amended to read:

30 Sec. 03.25.020. DUTIES OF VETERINARIANS. Veterinarians shall

31 (1) visit the fur farms and game farms of the state, study problems

1 incidental to raising fur bearing animals and game farm animals, and advise those
2 engaged in the industry in matters pertaining to the breeding and care of fur bearing
3 animals and game farm animals and the prevention and cure of diseases of fur
4 bearing animals and game farm animals;

5 (2) prepare, publish, and distribute such data as the veterinarian, with
6 the advice and consent of the commissioner, considers useful to those engaged in the
7 industry;

8 (3) make reports to the commissioner when required by the
9 commissioner for transmittal to the state legislature;

10 (4) initiate and carry on experiments, on or in connection with a fur
11 farm or game farm, with relation to the care and feeding of fur bearing animals or
12 game farm animals, the improvements of the breed, or the cure or prevention of any
13 disease to which they may be subject or the extermination of the parasites by which
14 they may be attacked, and in this connection employ and pay for the necessary
15 assistance and rent and use of necessary facilities;

16 (5) perform other duties as may be prescribed by the commissioner as
17 are not inconsistent with the duties specifically imposed by this chapter;

18 (6) study problems incidental to the raising of livestock, [AND] other
19 domestic animals, and game farm animals, and advise those engaged therein upon
20 matters pertaining to the breeding, care, and the prevention and cure of diseases of
21 livestock, [AND] other domestic animals, and game farm animals.

22 * Sec. 7. AS 03.25.250 is amended to read:

23 Sec. 03.25.250. DEFINITIONS [DEFINITION]. In this chapter,

24 (1) "commissioner" means the commissioner of environmental
25 conservation;

26 (2) "game farm animal" has the meaning given in AS 03.05.100:

27 (3) "game farming" has the meaning given in AS 03.05.100.

28 * Sec. 8. AS 03.35.070(1) is amended to read:

29 (1) "domestic animal" includes goats, sheep, cattle, horses, [AND]
30 swine, and animals subject to a game farming license under AS 03.05.075 or to an
31 experimental animal husbandry permit under AS 16.40.010:

1 * Sec. 9. AS 03.40.010 is amended to read:

2 Sec. 03.40.010. BRANDS AND MARKS. Any person owning cattle, reindeer,
3 game farm animals [BISON, MUSKOX], sheep, horses, mules, or asses [,] may adopt
4 a brand or mark. After recording the brand or mark as provided in AS 03.40.030, the
5 person has the exclusive right to its use.

6 * Sec. 10. AS 03.40.050 is amended to read:

7 Sec. 03.40.050. USE WITHOUT CERTIFICATE PROHIBITED. A person
8 may not brand any horse, cattle, reindeer, game farm animal. [BISON, MUSKOX]
9 mule, or ass, unless the person using the brand holds a written certificate of acceptance
10 from the commissioner.

11 * Sec. 11. AS 03.40.270 is amended to read:

12 Sec. 03.40.270. DEFINITIONS. In [AS USED IN] this chapter, [A]
13 (1) "brand" means an identification mark burned into the hide of a live
14 animal;
15 (2) "game farm animal" has the meaning given in AS 03.05.100.

16 * Sec. 12. AS 16.05.330(a) is amended to read:

17 (a) Except as otherwise permitted in this chapter, without having the
18 appropriate license or tag in actual possession a person may not engage in
19 (1) sport fishing, including the taking of razor clams;
20 (2) hunting, trapping, or fur dealing;
21 (3) the farming of fish, fur animals, or game reptiles; or
22 (4) taxidermy.

23 * Sec. 13. AS 16.05.340(a)(18)(A) is amended to read:

24 (A) Game [MAMMAL OR GAME] reptile farming biennial
25 license \$250

26 * Sec. 14. AS 16.05.940(10) is amended to read:

27 (10) "domestic mammals" include game farm animals, as defined in
28 AS 03.05.100 [MUSK OXEN, BISON, ELK,] and reindeer, if they are lawfully owned;

29 * Sec. 15. AS 16.40.010 is amended to read:

30 Sec. 16.40.010. DISPOSITION OF SURPLUS GAME ANIMALS [BUFFALO
31 AND MUSK OXEN]. Whenever it is determined by the department that a surplus of

1 bison, caribou, elk, moose, Sitka black-tailed deer, or musk oxen exists [IN THE
2 HERDS OF BUFFALO AND MUSK OXEN UNDER ITS CONTROL], the
3 department may, under regulations adopted by it, authorize a person to take
4 [GRANT] the surplus or portions of the surplus to a person [IT TO PERSONS,
5 GROUPS, ASSOCIATIONS, PARTNERSHIPS, OR CORPORATIONS] for the
6 purpose of raising and breeding the animals as domestic stock for commercial
7 purposes, for experimental animal husbandry purposes, or for scientific and
8 educational purposes. A person [, GROUP, ASSOCIATION, PARTNERSHIP, OR
9 CORPORATION] may receive animals for

10 (1) commercial purposes only after

11 (A) obtaining an appropriate game farming license under
12 AS 03.05.075; and

13 (B) paving a reasonable fee that covers the costs to the
14 department of supervising and assisting with the taking and transfer of the
15 animals;

16 (2) experimental animal husbandry purposes only after obtaining
17 a permit issued by the commissioner in consultation with the commissioner of
18 natural resources and the commissioner of environmental conservation; or

19 (3) scientific and educational purposes only after obtaining the
20 appropriate permit issued under AS 16.05 [PROVING TO THE SATISFACTION
21 OF THE DEPARTMENT

22 (1) INTENT TO RAISE AND BREED THE ANIMALS; AND

23 (2) POSSESSION OF FACILITIES FOR MAINTAINING THE
24 ANIMALS UNDER POSITIVE CONTROL].

25 * Sec. 16. AS 16.40.010 is amended by adding new subsections to read:

26 (b) After a person acquires an animal under this section for commercial
27 purposes, a license or permit from the department is not required in order to possess
28 the animal. The possession and utilization of animals acquired under this section for
29 commercial purposes and the importation, exportation, possession, and utilization of
30 game farm animals, as defined under AS 03.05.100, are subject to the provisions of
31 AS 03 and regulations adopted under AS 03. A license or permit from the department

1 is not required in order to import, export, or possess a game farm animal for
2 commercial purposes under a game farming license.

3 (c) A person may receive a permit to possess animals for experimental animal
4 husbandry purposes if the person proves to the satisfaction of the department that the
5 person intends to raise and breed the animals and possesses facilities for maintaining
6 the animals under positive control. Animals received under an experimental animal
7 husbandry permit remain property of the state while in possession of the permit holder
8 and may not be sold or otherwise transferred out of the possession of the permit
9 holder. Subject to regulations adopted by the department, a permit holder may
10 slaughter and sell the meat from animals possessed under the permit, sell milk, antlers,
11 horns, fur, and other products from live animals, and may charge a fee to the public
12 for viewing of the animals. The preparation and sale of meat or other products under
13 this subsection for human consumption are subject to AS 03 and regulations adopted
14 under AS 03. Except as otherwise expressly provided in this subsection, the
15 possession of animals for experimental animal husbandry purposes is subject to AS 03
16 and regulations adopted under AS 03 in the same manner as the possession of game
17 farm animals. The department may summarily revoke a permit issued under this
18 subsection and take possession of animals held under the permit if the permit holder
19 fails to comply with the terms of the permit or a statute or regulation governing the
20 possession of the animals.

21 (d) A person who holds an experimental animal husbandry permit, has
22 possessed animals under the permit for at least five years, and intends to raise the
23 animals for commercial purposes may request title to the animals in the person's
24 possession. The department shall grant title to the animals if the person has

25 (1) obtained a game farming license under AS 03.05.075;

26 (2) demonstrated the ability to properly care for and maintain the
27 animals in the person's possession; and

28 (3) complied with the terms of the experimental animal husbandry
29 permit and with statutes and regulations governing the possession of animals for
30 experimental animal husbandry purposes.

31 (e) The department shall dispose of nonfatally injured, or live abandoned or

1 orphaned calves of, bison, caribou, elk, moose, Sitka black-tailed deer, or musk oxen
2 that cannot be returned to the wild to a person who holds an appropriate game farming
3 license under AS 03.05.075 or a permit for experimental animal husbandry purposes
4 or for scientific or educational purposes.

5 (f) A live bison, caribou, elk, moose, Sitka black-tailed deer, or musk oxen
6 may not be captured from the wild or released into the wild without a permit from the
7 department.

8 (g) In this section, surplus animals include those animals that are

9 (1) unnecessary to the sustained yield management of a game
10 population;

11 (2) members of a game population that currently exceed the carrying
12 capacity of its habitat;

13 (3) members of a game population for which there is no closed season
14 on the take of animals from the game population; or

15 (4) problem animals that are a danger to persons, property, or
16 themselves, by their proximity to a highway, a railroad, or an urban area.

17 * Sec. 17. AS 16.40 is amended by adding a new section to article 1 to read:

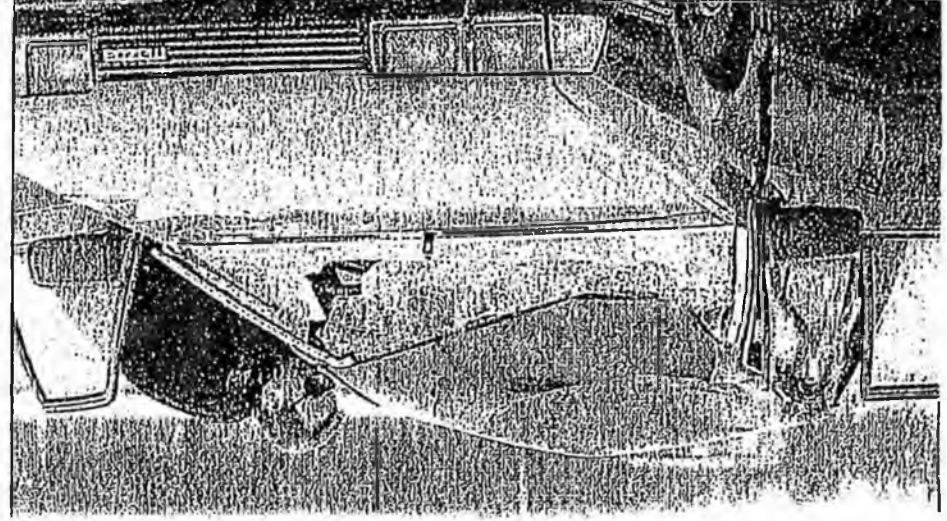
18 Sec. 16.40.060. IMPORTATION PROHIBITED. Moose, caribou, and Sitka
19 black-tailed deer may not be imported into the state for commercial or animal
20 husbandry purposes.

21 * Sec. 18. AS 16.40.020 and 16.40.050 are repealed.

22 * Sec. 19. This Act takes effect immediately under AS 01.10.070(c).



AGAINST THE ODDS



Go figure. When winters are harsh and the snowfall is deep, there are record numbers of moose killed on Alaska's roads. But when the winter is mild and the snowfall is minimal, the same amount of moose get smacked by cars and die.

Consider this winter — one of the tamest in recent memory, with only 29 inches of snow fallen in Anchorage. And yet, there have been 100 moose killed on Anchorage roads alone this winter, according to Alaska Department of Fish and Game statistics. That's 10 more than were killed last winter, 10 more than the winter of 1991-92 and only eight less than the record of 108 moose killed in 1989-90, when the winter was particularly harsh.

And with two months of winter remaining, area biologists are concerned the tally might surpass 108.

It's happening up and down the highway in the Interior and in southcentral Alaska — from Fairbanks, through the Matanuska Valley and southward to Kenai — there's an unexpectedly

**THIS YEAR'S
MILD WINTER
HASN'T
DONE MUCH
TO KEEP
MOOSE
ROADKILLS
DOWN**

BY JAY BLUCHER

high number of moose being killed on roads. And the biologists whose job it is to explain why are left scratching their heads, groping for explanations, and offering several theories.

Palmer has registered 137 moose roadkills so far; Fairbanks, 86 and the Kenai region, which is averaging eight to 10 moose roadkills a week now, 199. And all locations are still counting.

Considering the warm weather and good driving conditions over most areas of the state this winter, it is surprised area biologists to see moose deaths so high, and so early.

"That's the thing. The numbers are up and everyone sort of expects that given the nice weather we've had that the numbers would be way down — but they're not working out that way," said Fish and Game area biologist Ted Spraker in Kenai.

Kenai has an estimated moose population of more than 8,000, eight times that of Anchorage. And despite the fact that there are a lot fewer drivers in Kenai than Anchorage, the Kenai averages two times more moose killed on its roads than Anchorage, about 250 every winter

Please see Page F-2, ROADKILL

Moose roadkills

1989 through 1994*

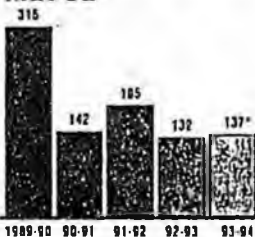
Anchorage



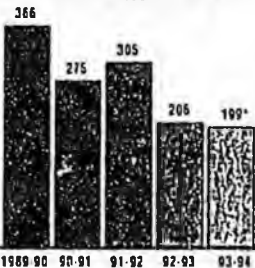
Fairbanks



Mat-Su



Kenai Peninsula



* Through February 1994

Source: Alaska Department of Fish and Game data as compiled by State biologists

KEVIN POWELL / Anchorage Daily News

ROADKILL: Mild winter hasn't done much to keep deaths low

Continued from Page F-1

since 1983-84, according to Spraker, with the exception of 1989-90, when 366 moose were killed.

"And here we are at 200 already, with a lot of winter still to go, so I expect we'll hit 250 easy," he said.

In a convoluted bit of logic, clear road conditions this winter and a healthy moose population on the Kenai may actually have contributed to the roadside carnage this year.

"When the roads are good, the bottom line is folks just drive too fast," said Spraker.

But even 200 is an unacceptably high number to Spraker, because he estimated the actual numbers of moose killed by cars are probably 20 percent higher than reported totals. Many more animals are unaccounted for because they don't die on the road. Many are hit, seriously injured and fall prey to predators.

All moose killed on the roads are put to good use. The state Fish and Wildlife Protection Office in Kenai maintains a list of more than 600 names of people willing to accept road-killed moose meat. Similar programs in Anchorage, Fairbanks and Palmer distribute the meat to various charitable organizations for distribution to needy people.

In the Mat-Su valleys, where both moose density and traffic volume is high, car-moose collisions are increasing, too. Yet assistant Fish and Game area biologist Mark Masteller is as much at a loss for ready explanations for the numbers as Kenai's Spraker.

"Perhaps it's because the weather's been so good this winter that

HOW TO AVOID MOOSE

- Reduce your driving speed to no more than 45 mph when visibility is reduced at night.
- Keep windshield and headlights clean at all times.
- Be sure your headlights are working. Promptly replace them when they burn out.
- Watch the sides of the highway and anticipate that a moose may step on the highway at any time.
- If one moose crosses in front of you, be ready for the second moose. Calves often trail behind the cow and panic when vehicles threaten to get between them and their mother.
- Think moose and be ready to give them a brake.

Source: Alaska Department of Fish and Game.

more people have been out driving than if the conditions were bad, so maybe that's got something to do with it, too," he said.

There's even a sign posted on the Glenn Highway near Palmer as part of a public awareness program known as "Give Moose A Brake" to educate drivers to the hazards of driving with no regard to moose. This running tally sheet of road-killed moose offers a grim daily reminder to commuters that 137 area moose have been hit by cars so far this year.

"Signs get ingrained after a while and pretty soon, drivers don't pay them any attention. They may slow down just after the sign perhaps, but then it's back to driving as fast as usual," said Masteller.

Another Fish and Game biolo-

gist, Rick Sinnott, in Anchorage, sounds a similar refrain. For the last five years an average of 95 moose have been killed by cars annually in the area between the Knik and Portage rivers.

"I'm really not sure why it's so high except that there's more moose, more people driving all the time and more of them seem to be driving faster," he said.

"We can't blame the weather this year, can we? Well, maybe we can, sort of, in a backhanded way, I mean."

Toby Boudreau, assistant area biologist with Fish and Game in Fairbanks, admits he's completely stumped for an explanation.

"The snow isn't deep here this year, so there's nothing driving the moose down from their winter ranges to the highway like in previous years, and their food supply is not limited. I just don't know why so many are getting hit," he said.

There also is a huge property and injury cost involved whenever car and driver collide with a moose. No one in either the automobile insurance industry or the state Department of Transportation can peg exact costs, but moose collisions have caused an estimated \$1 million in property damage alone every year for the last five years in the state, according to state transportation officials. Personal injury figures are anyone's guess.

While moose are often killed by the collision, more cars are totaled — the cost of repairs exceeds the vehicle's value.

According to Don Hunter, property claims superintendent for State Farm Insurance, a typical collision with a 600- to 800-pound

moose results in car repair bills that easily can exceed \$5,000. Repair bills of \$10,000 or more are common.

"It usually involves a total paint job as a minimum, and that will cost you \$2,000 right there," he said.

"The windshield is smashed, nearly always, and it either takes out the entire roof or pushes it back — and sometimes you'll even see an almost perfect impression of the moose's body left on the windshield of the wrecked car where it passes over the hood, but in general, it's terrible — a real mess. I recommend avoiding them."

Neither State Farm nor any other automobile insurance company in Alaska said it keeps specific statistics on the numbers of moose collisions annually.

But Tony Barter, chief of the traffic and safety division at the state Department of Transportation, said when fencing was installed on both sides of the Glenn Highway near Fort Richardson in 1989, moose collisions along this stretch of highway were reduced by 80 percent in the first year.

Miles of fencing in areas with a large number of side streets is not always a feasible or cost-effective option either, said Barter. Better lighting and wider cleared paths — 150 feet from the center line on both sides of the highway — are other possible options that have been successfully used in other areas to reduce moose roadkill.

"But ultimately, the responsibility still rests with drivers to slow down and to be alert in areas where moose are present in high numbers, which is just about anywhere you drive up here," he said.

We Alaskans

THE ANCHORAGE DAILY NEWS MAGAZINE

MAY 20, 1988

Moose vs. Man

TOUGH YEAR

FOR

ANCHORAGE

UNGULATES

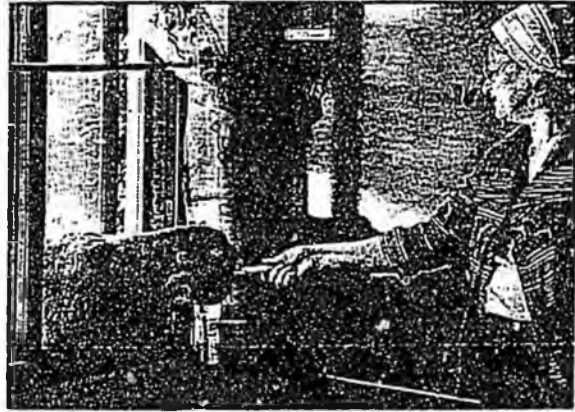


This Week

COMING TO GRIPS: Mary Kay Blakely watched her son grow from boy to man as he wrestled for four years in high school. Now she must grapple with his power. Page 6

MOOSE UNDER SIEGE: Too many moose roam Anchorage during the winter because there is not enough habitat left in the wild. And the moose are sure losers in confrontations with humans. Page 8

COVER: A young moose chews on a willow in an Anchorage back yard. Photo by Bob Hallinen



JIM LAVRAKAS / Anchorage Daily News file

"Oscar" gets a handout.



in Schmid-Royall feeds a bull moose on his front steps in Midtown Anchorage in mid-January.



in Schmid-Royall feeds a bull moose on his front steps in Midtown Anchorage in mid-January.

OUR MISERABLE MOOSE

You love the tree: exotic, delicate, beautiful when in bloom. It's the most amazing — and expensive — plant in your yard. A moose stands nearby. Its horsey snout extends, its incisors protrude. It bites. It tears. It chews. Crunch, crunch, crunch.



JIM LAVRAKAS / Anchorage Daily News

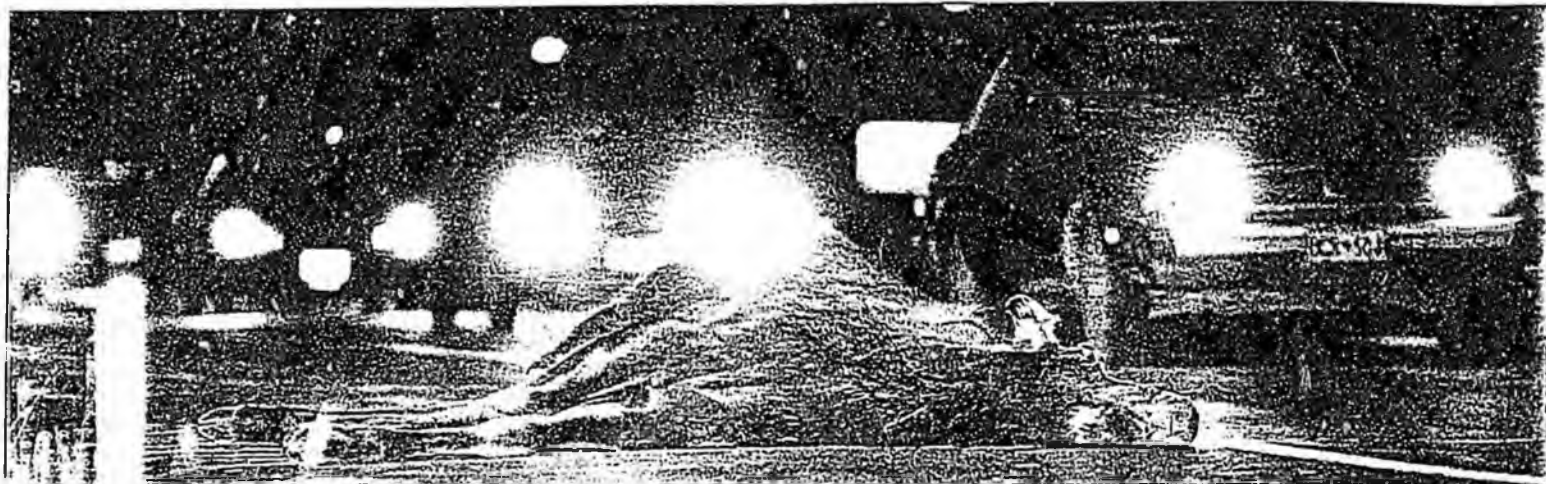
Doug Tryck battled two moose this spring but lost this mountain ash that was imported from China to the browsing animals.

By
Doug
O'Harra

The latest tale of Anchorage's wintertime encounter with hundreds of hungry moose begins with a single biological fact: When too much snow cloaks the ground anymore, the moose here simply can't find enough natural willow and birch to eat.

Some 1,250 moose range across the Anchorage Bowl between McHugh Creek and Ship Creek. Include the entire municipality — Portage to the Knik River — and the number goes up to more than 2,000 animals in an area that once held 1,000 or fewer only a few decades ago.

As the population of moose has risen, its range has steadily gotten smaller. "We're losing habitat all around the



JIM LAVRAKAS / Anchorage Daily News (10/10/91)

A dead moose lies along the Glenn Highway. This winter, officials estimate, 120 moose were killed by vehicles in Anchorage.

Continued from previous page
city here to development," says biologist Mike McDonald.

And the land that is available to provide winter mouse food apparently has less and less of it with each passing year. Why? Because too many moose have eaten so much, so often that the trees and brush haven't had enough time to grow back.

"The fact is that there are more moose in the Anchorage area than the habitat can support," concludes Dave Harkness, the state's area biologist.

(Anchorage's moose simply don't have enough predators to keep their numbers down, biologists says. Sure, cars kill some, and animals are taken in hunts on Fort Richardson and up Ship Creek. But almost no predation occurs by wolves or bears. According to Harkness and McDonald, a traditional game-management solution would be to hold a hunt aimed at the moose living in the Anchorage Bowl. Yet the last urban hunt, nearly 10 years ago, was a public relations disaster for the state.)

In the meantime, what do the moose do during a winter of deep snow? They stumble out of the hills, emerge from the greenbelts, march into the subdivisions, forage off the sidewalks. Often they eat ornamental trees. And why not?

"They're not dumb" McDonald says. "They'll use the easiest way (to feed themselves) they can find. Once they get to a spot with food, they don't like to move away."

Think of it like an equation: Too many moose competing for diminished browse plus deep snow equals confrontations with humans and collisions with cars.

Some 120 moose died in Anchorage this winter after being hit by cars and trucks — the second highest number in the city's history. Hundreds of people called state officials and police with complaints: The moose are eating my trees.

To some extent, that sort of

thing happens every winter. But this year, events took a bizarre turn. To the dismay of biologists and wildlife officers and people who understand wildlife ecology, large numbers of Anchorage residents were found feeding moose fresh groceries. Things like apples, carrots, cabbage, iceberg lettuce.

Feeding them caused scores of moose to associate people with dinner, creating some of the most ludicrous moose problems biologists here have ever seen. Calves trotted up to terrified strangers (all humans look alike) only to nudge or kick them for a serving. Young bulls belligerently charged people who — from the moose's point of view — rudely failed to bring the salad.

All over town, conflicts between humans and moose became as common as fender benders after an ice storm. Moose charged people, haunted school playgrounds, blocked access to doorways. Six people were kicked, and hundreds more experienced close encounters. Biologists and wildlife protection officers say they've never received so many calls about moose before.

"I can't remember a worse year," says McDonald. And others agree.

The Moose That Came To Dinner

The pink-fruited mountain ash from western China had flourished over 13 Alaska winters inside Doug Tryck's yard in South Anchorage. Carefully grafted to cold-climate roots, the rare ash was part of Tryck's collection of 3,000 trees and plants — Mongolian lindens, Russian rock birches, rare apple and pear trees among them. Like many of the other species in his collection, the mountain ash was just the sort of plant moose love to eat. "Moose candy," Tryck

calls them.

But the Anchorage school teacher also knows how to protect his trees. Operating a small commercial nursery out of his home on Rabbit Creek Road each summer, Tryck has made it his business to instruct his customers on how to keep expensive ornamentals from becoming moose entrees.

He knows from experience. Once, eight years ago, a moose got inside his yard and permanently damaged several valuable trees. He beefed up his security, bought a case of Roman candles and erected a large gate to augment a 7-foot-high chain-link fence. Tryck then believed his trees were safe.

"I thought I had covered every base," he says now. "In eight years, no moose has been in here." But Tryck didn't count on the second heaviest snow in 35 years creating new avenues into his compound — all-but burying his fence in some places, knocking a tree through it in another. Not even Tryck, who had gone to a lot of trouble to avoid feeding moose, was immune.

Which brings us to a young bull moose: Healthy, ornery, determined — and hungry.

Tryck had spent nearly every day during a two-week period in March chasing this young bull and a young cow from his yard. The animals would leave for a while, and Tryck would block what he thought was their access. But almost every day, they found a new place to leap the fence and dine on Tryck's trees.

They kept coming back because, as Tryck puts it, "this was a really tasty place."

After chasing the moose with Roman candle fireworks (a method used by state biologists and officers to scare off the animals) and surviving one moose charge at close quarters, Tryck thought he had prevailed. One day, the bull and cow didn't show. Dozens of trees already had been ravaged, but the nurseryman in Tryck thought he could prune them back to life. He wouldn't harvest any

apples this year, but at least nothing was dead. And he'd seen the last of the moose.

But the young bull returned.

In the cold morning air of mid-April, it ambled through Tryck's collection once again, sniffing this plant, biting that bud. Eating tree after tree.

Finally the moose arrived at the mountain ash, Tryck's prize tree.

It commenced eating. After it consumed all the buds within reach, the bull tore several limbs to the ground — so it could eat those hard-to-get-at tips. Soon twigs and branches littered the snow, and the tree, representing more than a decade of dedicated horticulture, had a sort of bony, barren look. But the plate wasn't quite clean.

The moose snuffled the trunk, then began peeling it sliver by sliver. By the time a neighbor called Tryck to tell him that, *hey, there's another moose in your yard*, the young bull had scalloped the trunk clear around. It looked as though a team of cub scouts armed with pocket knives had spent the morning whittling.

Tryck dashed outside his house armed with a Roman candle and a box of strike-anywhere kitchen matches. He was furious. He reached a hill above the moose and started trying to ignite the fireworks. Man glared at moose; moose eyeballed man. The young bull flattened its ears, fluffed its ruff and began striding purposefully toward Tryck through the beds of nursery plants.

The Roman candle burst aflame and Tryck trained it on the moose. The first sparkling blast stopped the animal. The second made it rear. The third caused it to dash off into the woods. The Roman candle blazing, Tryck chased the moose around his 2½ acres and out the gate.

The young bull came back only one more time, chased Tryck onto his deck, then dashed through an opening in the fence — again under fire by Roman candles. For his own part, Tryck once again blocked the opening with chicken

wire. Then he called the state Department of Fish and Game and pleaded with area biologist Dave Harkness to do something about this moose.

Harkness brought Tryck some more Roman candles and urged him to build a higher fence. But it is a longstanding policy that the state does not move moose and only shoots them in extraordinary circumstances — when the moose is injured or a direct threat to human safety. There was nothing the state could do for Tryck.

A lifelong Anchorage resident, Tryck says he understands the state's policy. But he has spent more than a decade raising plants in an enclosed yard. He's taken some pretty expensive precautions to protect them from moose. He isn't some displaced Texan planting crab apples at the curb.

Tryck believes the state should have done something.

"I am a conservationist," he says. "But I don't feel I have to have moose and bear living inside my backyard.

"It's frustrating, because I've been led to believe there's nothing we can do. I should not have to go through that, it should not be that way. They need to be managed like all the rest of the wildlife."

Bulls Will Be Bulls

In the neighborhoods of South Anchorage, scores of moose breed, give birth, live out their lives.

People come to recognize individual animals as they grow up. In the Ocean Park subdivision near Klatt and Johns roads, a young bull was born in the spring of 1991, remained with its mother throughout summer and fall — then branched off on its own during late winter of this year.

State wildlife protection officer Brian Larson lives in the same neighborhood. Over the winter, Larson watched and heard stories of how the cute young bull transformed itself from the neighborhood darling into a macho and cantankerous adolescent that had staked out subdivision streets as its personal dining room.

The moose would stand in driveways and charge residents who had the gall to step outside. He once kicked the side of a house — simply because someone looked out the window. Gradually, as the bull lay siege to the neighborhood, Larson's office received dozens of complaints.

"He has probably generated more calls than any other moose in town," he says.

An enforcement officer for three years, Larson was no stranger to this moose. When it was younger, he'd once stopped traffic on a busy street so the bull calf and its mother could cross. But Larson also knew how dangerous a

rambunctious moose can become:

Last fall, while trying to drive a different young bull from a child-pedestrian path into the school grounds at Baxter Elementary, he found himself dodging repeated charges. His foot caught in a root and he went down. The moose tromped him in the shoulder before dashing away.

Such a kick could kill a child. So after the Ocean Park moose actually trapped a neighborhood kid on a porch for 30 minutes one morning, Larson decided the animal had become too dangerous. He found the bull and killed it with a shotgun slug.

What made the moose get so aggressive?

To Larson, it was obvious. "People feed the moose, and he becomes habituated to people. Probably half the people in the neighborhood were feeding that moose."

Moose that are fed quickly come to expect food from every human they see. They're no longer shy. Some even become demanding.

Larson investigated another incident this year where a moose bit and kicked a woman in the head outside her West Anchorage condo. It turned out that the woman had been feeding the moose all winter. For carrots, the moose was affable and pleasant. Then one day the woman made the mistake of offering the moose an outstretched mitten of snow. . . .

Larson decided not to kill that moose. By the time he tracked it down, it had moved away from human dwellings and was feeding in a greenbelt. But human-fed moose often suffer a different fate.

"When you start feeding a wild animal, you start the process of its death," he says. "You speed it up."

After such incidents became more and more common, Larson and other officers scoured state law, searching for some regulation prohibiting the feeding of moose. "It would have given us something we could work with, something to stop the feeding," he said.

Here's what they found: It's illegal to feed bears, wolves and other predators. It's illegal to corral a moose and try to tame it. But nothing in state or municipal law prevents someone from feeding a wild moose. Even if it jeopardizes the moose's life.

"Maybe that's the point people are just missing," Larson says. "Humans become the cause of death."

Love and Death In Mountain View

Sometime in the cold, dark days of January, a cow and her bull calf ambled out of the wilderness along Ship Creek onto the streets of northern Mountain View.

Dinner was served.

As with most Anchorage neighborhoods, the streets of Mountain View offered a small amount of natural browse and ornamental trees. Along with another cow and calf — who eventually left the area on their own — the two moose would have swept through the neighborhood in a week or two, pruning back the browse, consuming the buds. Then they would have moved on.

But these moose did not move on. They stayed.

"I would say it's safe to say that half the people who live there were feeding the moose," says Larson.

Singling out an individual doesn't even make sense. According to Larson and other officers and residents, scores of people threw down grocery food — apples, carrots, cabbage, lettuce — for the moose to eat.

After Anchorage police and state wildlife officers started receiving calls once or twice a day, Larson started to tail the pair in his truck. With growing amazement, he watched them meander from one yard to the next, stopping to sniff and forage open areas of the snow.

"It was obvious they were going to places where they expected to be fed," Larson says.

He responded to the first complaint on Feb. 9: There was a cow and calf bothering children in a backyard. But, in what became a common pattern, the animals were browsing peacefully in someone else's yard by the time Larson arrived. They ignored him.

Nearly every day for the next two months, someone called to complain about the cow and her offspring. Larson and other wildlife protection officers responded 16 times, Anchorage police even more often. People began to behave stranger and stranger toward the moose.

Small boys of the neighborhood took to pelting the pair with snowballs, trying to get the animals to chase them. One boy was caught standing before the cow like a matador, his coat turned inside-out so the red lining showed.

Most of the time, Larson says, the cow stared with a moosey disdain at such antics. But on Feb. 27, she finally charged two boys who were throwing snowballs, knocking one down and stepping on him. The child, a 6-year-old, was bruised but not seriously injured when examined by paramedics. When officers arrived, the moose had bedded down in a yard nearby.

As long as people stayed clear, she seemed content to leave humans alone. The officers decided she wasn't unnaturally aggressive. "This cow was familiar with people," Larson says. "This cow did not get upset about people just being close."

During one call, Larson escorted two children past the mother and calf. Both moose scarcely glanced

in the direction of the humans. Obviously, they had adapted well to life in town. Too well.

On the afternoon of March 10, a woman who police say was intoxicated went up to the cow in an alley outside some Mountain View apartment buildings — a place where people had been feeding the moose. She grabbed the moose by the ears and pulled her head down to give her a kiss, according to Larson. The cow jerked back, but did nothing else. Then the woman threw her loving arms around the calf's neck.

"And the cow unloaded on her," Larson says.

The moose bit the woman, knocked her down and stepped on her.

By the time Larson arrived at the scene, more than 25 people had crowded into the alley and the moose and her calf were hemmed in. The woman had gone into a friend's house and was refusing medical help. Using a vehicle and a Roman candle, Larson and Anchorage police Sgt. Gary Apperson chased the moose out of the alley and across the street. But it was difficult to get people out of the way.

"They wanted to see the show," Larson says.

Over the next few weeks, confrontations became more and more common: the cow and calf would stake out someone's yard and refuse to leave, they would stand at a school bus stop, they would be reported "bothering children." On March 18, the cow chased one boy up a tree after he pelted her with snowballs. Over and over, Larson says, he or other officers would respond to calls and conclude that the moose and her calf had been trying to mind their own business but had been bothered by people. Larson and other officials at the state division of wildlife protection began urging the state Department of Fish and Game to move this particular pair. But Anchorage wildlife managers held firm to their policy of never moving "nuisance" moose.

Anchorage police and wildlife officials continued to warn people that if they kept feeding the cow and calf, the moose would eventually get into trouble and die.

"It's a good chance that something is going to happen," Anchorage police Lt. Bill Gaither told a reporter on March 22. "It's the people that created the hazardous situation, and the moose that will have to pay the consequences."

Two days later, it happened. Toward the end of the day, the Mountain View cow and calf had staked out a courtyard among a group of apartment buildings. They would not budge, and children coming home from school could not get into their homes. Larson and officer Bob Beasley arrived and decided they would

Continued on next page

Continued from previous page
try to drive the moose through the yards, down an alley, across a street and onto a path leading to Ship Creek and the woods.

With Beasley blocking an escape route with his car, Larson squared off and drove the cow and calf out between the apartment buildings. As he strode over the spot that the moose had staked out, he looked down: fresh carrots littered the snow. Once again, someone had been feeding the moose.

Gradually, a few hundred feet at a time, Larson and Beasley got

the moose out into the street near the animal trail to Ship Creek. With their vehicles blocking the street, effectively putting a barrier between the moose and the neighborhood, the two men tried over and over to force the them to flee into the woods. They fired salvos of Roman candles and cracker shells. They shouted. They waved their arms. But the moose balked.

"They'd look at the trail and try to jump over the bumpers of the vehicles," Larson says. "They absolutely refused to go."

Finally the cow leapt past the men. The calf followed. The two moose dashed back toward the neighborhood. Destination? Carrot city.

Larson was disgusted and frustrated. But who could blame the moose? "They didn't want to eat willow browse," he says. "They wanted nice fresh grocery food. Stuff from Carrs is fresher than old, frozen willow twigs."

With Larson on its trail, the cow strode off through the neighborhood, calf following, and walked up into someone's yard.

charge him, he pulled out a canister of cayenne-pepper-based "Counter Assault" — a strong irritant used to discourage attacks by animals — and sprayed her.

The cow's eyes swelled shut and she stood for a few moments without moving. Then she moved 10 or 15 feet and bedded down. Larson and Beasley shot off a cracker shell, hoping to herd the animal back toward the woods. But now she wouldn't budge.

"At that point, we decided we weren't going to win the battle, and we backed off," Larson says.

The two men coaxed the calf away from the driveway toward its mother. The two animals moved further east — deeper into the neighborhood — and bedded down away from houses and people in the back of a vacant lot. "She was about as far away from people as you can get in Mountain View," Larson says.

When he left the neighborhood, it was about 5:30 p.m.

Larson decided he would make one more effort to ask Harkness and McDonald if they wouldn't consider moving the moose. If not, it seemed inevitable that the animal would have to be killed. The mother was simply getting too fearless, too bold, too stubborn. It was only a matter of time before she or the calf seriously injured a child.

Sometime in the next few hours, perhaps about 7:30 p.m., Anchorage police received a report of two gunshots in the area. Investigating officers found nothing.

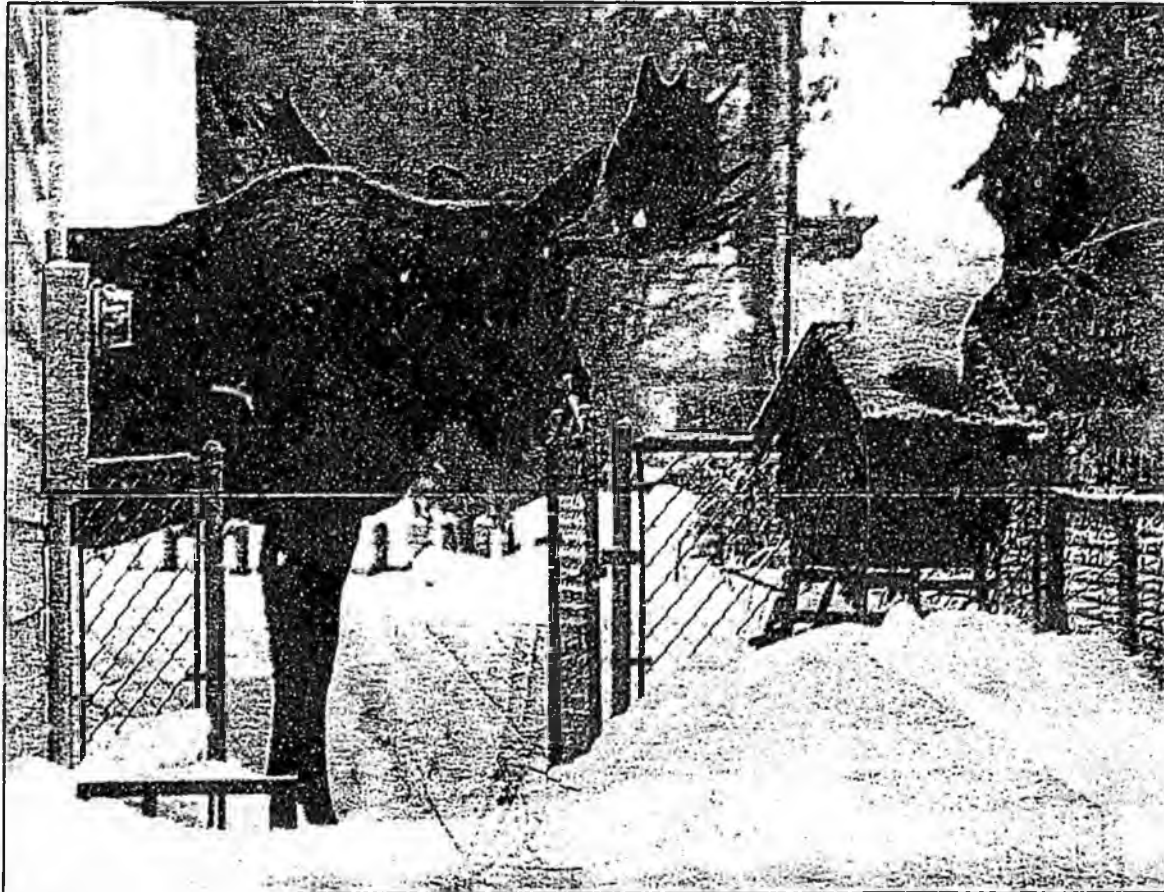
In the morning, Larson drove straight to Fish and Game headquarters in mid-town. But before he could present state biologists with his plea to move the Mountain View moose, he received a call from his office: The cow had been found shot.

When Larson joined wildlife protection Sgt. Art Paul in Mountain View about 9:30 a.m., the moose was lying in an alley, about 50 feet from where Larson had left her the night before. Her head was down, and she wouldn't react when the officers tried to rouse her.

"She was nonresponsive," Larson says. "She was sick."

For an hour, the two men watched over the moose, hoping she would rouse up. But it became obvious the moose was dying. So Paul killed her with a shotgun slug to the head. An examination found two previous bullet holes to the torso — one back of the right shoulder, the other just forward of the pelvis. Gut shot.

Larson believes the shots came from a .22 caliber weapon that fired a hard, low-velocity bullet. The sort of cheap, rim-fire ammunition commonly used for target practice. Though no bullets were ever found, Larson believes the projectiles probably punctured the moose's internal organs.



BOB HALLINEN / Anchorage Daily News

When the snow gets deep, moose are a common sight in city neighborhoods.

'It's a good chance that something is going to happen. It's the people that created the hazardous situation, and the moose that will have to pay the consequences.'

— Anchorage police Lt. Bill Gaitner talking to reporter March 22



BOB HALLINEN / Anchorage Daily News

A moose feeds in a vacant lot in

Suddenly a man stepped out of his house and threw down two carrots.

Larson was amazed — and angry. He told the man that he and another officer were trying to move the animals. Right that minute. He told him that feeding the moose made moving them harder. He told him that feeding the moose, in fact, would probably get the animals killed. It was hard, Larson would say later, to remain polite.

He says the man replied: "Oh, I didn't realize."

Larson drove the cow back into a yard, but the moose finally decided it had had enough pestering by the officer. "We wanted her to turn and go 180 degrees from where she was heading," Larson says.

The cow flattened her ears. Her hair stood up. As Larson realized



PAUL SOUDERS / Anchorage Daily News

A cow and its calf, that made their home in Mountain View, take a break in the snow. Both animals were killed before the snow disappeared.

Continued from previous page

flooding the moose's body cavity with toxins, leading toward a slow and agonizing death.

"It would have been very painful," he says. Similar to what a human being would feel after experiencing a burst appendix.

The moose flesh was salvaged by a charity, and the calf wandered off into the neighborhood. Larson and Paul went back to their office. Two suspects were later interviewed, but a lack of evidence eventually led Larson to drop the case.

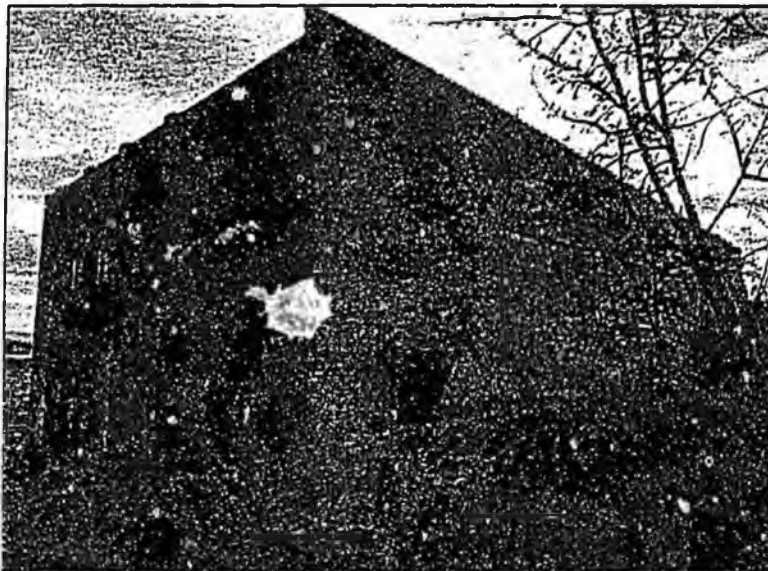
Why would someone gut-shoot a neighborhood moose?

Perhaps it was someone who was cornered or got kicked. Perhaps it was someone who came upon the moose at random and simply shot it for thrills. But Larson believes the person who gut-shot the moose simply wanted to make the neighborhood safe again.

"Someone who thought, 'Enough is enough — since they (the state) can't do their job, I will assist them,'" the officer says, with some disgust.

The final chapter in the story of the Mountain View moose came one week later, on April 1. The day of fools.

The orphaned calf wandered onto Mountain View Elementary school grounds during recess,



BOB HALLINEN / Anchorage Daily News

A moose pauses in its wandering and feeding near a building this spring.

chasing children, charging the school principal. In the ensuing uproar the calf was driven into the street. From there someone tried to herd it away from the school with a vehicle. The calf stumbled on the ice, fell down, and the vehicle slammed into the animal's shoulder and broke it.

Larson and state biologist Mike McDonald showed up about 1 p.m. The calf was down and could not

rise. Like horses, moose with broken shoulders or legs rarely heal. A moose in Anchorage with a broken limb would likely starve or be harassed to death by dogs. So the calf was shot and killed.

During his investigation of the calf's death, Larson tracked down the driver of the vehicle involved — but concluded no crime had been committed. The person had been trying to protect the children and

was only driving 15 mph. "It was someone trying to help out."

People Deserve The Blame

In a town where too many moose compete for too little natural food, the Mountain View moose found a cornucopia of fabulous and juicy eats. Who can blame them for staying in Mountain View? No moose alive would choose sinewy willow twigs over Carrs carrots.

The people who fed them undoubtedly had good intentions. After all, weren't they just feeding hungry animals during a tough winter? Was that, in itself, such a bad thing to do?

But however innocent and well-meaning the impulse, feeding wild, 800-pound animals in a neighborhood full of children can only lead toward one end.

Left alone, those moose might have starved, though probably they would have struggled through the winter alive. People were repeatedly warned that the moose would end up dead if people didn't stop feeding them. If there's a lesson, it must be this: people will behave like people, and moose will behave like moose. The feeding didn't stop. And the moose died as a result.

8-LS0371NR
Utermohle
4/16/93

HOUSE CS FOR CS FOR SENATE BILL NO. 46()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS MILLER, Frank, Pearce, Sharp, Taylor
REPRESENTATIVE Therriault

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to moose farming and relating to game farming."

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

3 * Section 1. AS 03.05.010(a) is amended to read:

4 (a) The commissioner of natural resources shall

5 (1) direct, administer, and supervise promotional and experimental
6 work, extension services, and agricultural projects for the purpose of promoting and
7 developing the agricultural industry within the state including such fields as
8 horticulture, dairying, cattle raising, fur farming, game farming, grain production,
9 vegetable production, and development of other agricultural products;

10 (2) procure and preserve all information pertaining to the development
11 of the agricultural industry and disseminate that information to the public;

12 (3) assist prospective settlers and others desiring to engage in the
13 agricultural industry in the state with information concerning areas suitable for
14 agriculture and other activities and programs essential to the development of the

1 agricultural industry in the state;

2 (4) review the marketing, financing, and development of agricultural
3 products inside the state including transportation, with special emphasis upon local
4 production, and negotiate for the marketing of agricultural products of the state with
5 federal and state agencies operating in the state;

6 (5) regulate and control the entry into the state and the transportation,
7 sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries,
8 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
9 agricultural chemicals in order to prevent the spread of pests, diseases, or toxic
10 substances injurious to the public interest, and to protect the agricultural industry
11 against fraud, deception, and misrepresentation; in this connection the commissioner
12 may require registration, inspection, and testing, and establish procedures and fees; and

13 (6) regulate the farming of domesticated game animals [ELK] in a
14 manner similar to the manner in which the commissioner regulates domestic animals
15 and livestock, to the extent that is appropriate.

16 * Sec. 2. AS 03.05.011(b) is amended to read:

17 (b) The commissioner of environmental conservation shall regulate the farming
18 of domesticated game animals [ELK] in a manner similar to the manner in which the
19 commissioner regulates domestic animals and livestock, to the extent that is
20 appropriate.

21 * Sec. 3. AS 03.05 is amended by adding a new section to read:

22 Sec. 03.05.075. GAME FARMING. (a) A person may not engage in game
23 farming or possess domesticated game animals without having first obtained an annual
24 game farming license for that species from the commissioner of natural resources. The
25 commissioner shall issue a game farming license, that indicates the species of
26 domesticated game animal or animals for which the license is issued, to a person who
27 intends to engage in game farming of the domesticated game animal or animals,
28 obtains a certificate under AS 03.25.020, and possesses facilities that the commissioner
29 determines are sufficient to maintain the domesticated game animals under positive
30 control and to prevent injury to domesticated game animals and their handlers. The
31 annual game farming license fee is \$125.

1 (b) A person who holds a game farming license under this section, shall

2 (1) brand or mark each domesticated game animal received and the
3 progeny of any animal received with an appropriate mark, brand, or tattoo as approved
4 by the commissioner under AS 03.40 and with a highly visible, numbered ear tag;

5 (2) register the domesticated game animals, however acquired, and the
6 progeny of those animals with the commissioner within 30 days after the animals are
7 acquired;

8 (3) construct and maintain a fence that is adequate to prevent the
9 escape of the domesticated game animals and to exclude wild game;

10 (4) establish and maintain a contractual relationship with a veterinarian
11 to monitor a comprehensive herd health program;

12 (5) notify the commissioner within 30 days of the birth, sale, slaughter,
13 or death of one or more of the animals or their progeny;

14 (6) notify the commissioner of fish and game, the commissioner of
15 environmental conservation, and the commissioner of natural resources within 24 hours
16 after

17 (A) a domesticated game animal escapes; or

18 (B) wild big game enters a facility where domesticated game
19 animals are present.

20 (c) The slaughter of domesticated game animals and the sale of meat resulting
21 from the slaughter of domesticated game animals are subject to this title, regulations
22 adopted under this title, and other applicable law.

23 (d) A person who receives animals under AS 16.40.010 may not raise the
24 animals and domestic livestock in the same fenced area.

25 (e) The commissioner of natural resources or the commissioner of
26 environmental conservation may require a person who holds a game farming license
27 under this section to provide at the person's cost for a complete necropsy by a
28 veterinarian approved by the commissioner of environmental conservation to determine
29 the cause of death of a domesticated game animal if the cause of death is not apparent.

30 (f) The commissioner may adopt regulations as necessary to implement this
31 section and AS 03.05.010(a)(6).

1 (g) In this section, unless the context otherwise requires, "commissioner"
2 means the commissioner of natural resources.

3 * Sec. 4. AS 03.05.100 is amended by adding new paragraphs to read:

4 (4) "domesticated game animal" means lawfully owned bison, caribou,
5 elk, moose, and musk oxen;

6 (5) "game farming" means an agricultural enterprise engaged in raising
7 and breeding domesticated game animals as domestic livestock for commercial,
8 scientific, or educational purposes;

9 (6) "lawfully owned" means ownership was obtained without violating
10 a state or federal law or regulation, or a condition of a license or permit issued with
11 respect to the acquisition of a domesticated game animal.

12 * Sec. 5. AS 03.25.010 is amended to read:

13 Sec. 03.25.010. COMMISSIONER AUTHORIZED TO EMPLOY
14 VETERINARIANS. The commissioner may either independently or in cooperation
15 with the United States Department of the Interior or a college or a university or like
16 institution employ veterinarians for periods found to be to the best advantage for the
17 purpose of aid and service to the fur raising industry and game farming industry, and
18 for the purpose of aid and service to those engaged in raising livestock and other
19 domestic animals.

20 * Sec. 6. AS 03.25.020 is amended to read:

21 Sec. 03.25.020. DUTIES OF VETERINARIANS. Veterinarians shall

22 (1) visit the fur farms and game farms of the state, study problems
23 incidental to raising fur bearing animals and domesticated game animals and advise
24 those engaged in the industry in matters pertaining to the breeding and care of fur
25 bearing animals and domesticated game animals and the prevention and cure of
26 diseases of fur bearing animals and domesticated game animals;

27 (2) prepare, publish, and distribute such data as the veterinarian, with
28 the advice and consent of the commissioner, considers useful to those engaged in the
29 industry;

30 (3) make reports to the commissioner when required by the
31 commissioner for transmittal to the state legislature;

1 (4) initiate and carry on experiments, on or in connection with a fur
2 farm or game farm, with relation to the care and feeding of fur bearing animals or
3 domesticated game animals, the improvements of the breed, or the cure or prevention
4 of any disease to which they may be subject or the extermination of the parasites by
5 which they may be attacked, and in this connection employ and pay for the necessary
6 assistance and rent and use of necessary facilities;

7 (5) perform other duties as may be prescribed by the commissioner as
8 are not inconsistent with the duties specifically imposed by this chapter;

9 (6) study problems incidental to the raising of livestock, [AND] other
10 domestic animals, and domesticated game animals, and advise those engaged therein
11 upon matters pertaining to the breeding, care, and the prevention and cure of diseases
12 of livestock, [AND] other domestic animals, and domesticated game animals;

13 (7) issue a certificate to a person who has applied to the
14 commissioner of natural resources to receive a game farming license under
15 AS 03.05.075 if the applicant has demonstrated to the satisfaction of the
16 veterinarian that the applicant has the ability to prevent and detect the spread of
17 disease and parasites from

18 (A) domesticated game animals to wild game;

19 (B) domestic animals to domesticated game animals; and

20 (C) domesticated game animals to domestic animals.

21 * Sec. 7. AS 03.25.250 is amended to read:

22 Sec. 03.25.250. DEFINITIONS [DEFINITION]. In this chapter,

23 (1) "commissioner" means the commissioner of environmental
24 conservation;

25 (2) "domesticated game animal" has the meaning given in
26 AS 03.05.100;

27 (3) "game farming" has the meaning given in AS 03.05.100.

28 * Sec. 8. AS 03.40.010 is amended to read:

29 Sec. 03.40.010. BRANDS AND MARKS. Any person owning cattle, reindeer,
30 domesticated game animals [BISON, MUSKOX], sheep, horses, mules, or asses [,]
31 may adopt a brand or mark. After recording the brand or mark as provided in

1 AS 03.40.030, the person has the exclusive right to its use.

2 * Sec. 9. AS 03.40.050 is amended to read:

3 Sec. 03.40.050. USE WITHOUT CERTIFICATE PROHIBITED. A person
4 may not brand any horse, cattle, reindeer, domesticated game animal, [BISON,
5 MUSK OX] mule, or ass, unless the person using the brand holds a written certificate
6 of acceptance from the commissioner.

7 * Sec. 10. AS 03.40.270 is amended to read:

8 Sec. 03.40.270. DEFINITIONS. In [AS USED IN] this chapter, [A]

9 (1) "brand" means an identification mark burned into the hide of a live
10 animal;

11 (2) "domesticated game animal" has the meaning given in
12 AS 03.05.100.

13 * Sec. 11. AS 16.05.330(a) is amended to read:

14 (a) Except as otherwise permitted in this chapter, without having the
15 appropriate license or tag in actual possession a person may not engage in

- 16 (1) sport fishing, including the taking of razor clams;
- 17 (2) hunting, trapping, or fur dealing;
- 18 (3) the farming of fish, fur animals, or game reptiles; or
- 19 (4) taxidermy.

20 * Sec. 12. AS 16.05.340(a)(18)(A) is amended to read:

21 (A) Game [MAMMAL OR GAME] reptile farming biennial
22 license \$250

23 * Sec. 13. AS 16.05.940(10) is amended to read:

24 (10) "domestic mammals" include domesticated game animals, as
25 defined in AS 03.05.100 [MUSK OXEN, BISON, ELK,] and reindeer, if they are
26 lawfully owned;

27 * Sec. 14. AS 16.40.010 is amended to read:

28 Sec. 16.40.010. DISPOSITION OF SURPLUS GAME ANIMALS [BUFFALO
29 AND MUSK OXEN]. Whenever it is determined by the department that a surplus of
30 bison, caribou, elk, moose, or musk oxen exists [IN THE HERDS OF BUFFALO
31 AND MUSK OXEN UNDER ITS CONTROL], the department may, under regulations

1 adopted by it, issue a permit to take [GRANT] the surplus or portions of the surplus
2 to a person [IT TO PERSONS, GROUPS, ASSOCIATIONS, PARTNERSHIPS, OR
3 CORPORATIONS] for the purpose of raising and breeding the animals as domestic
4 stock for commercial purposes, or for scientific and educational purposes. A person
5 [, GROUP, ASSOCIATION, PARTNERSHIP, OR CORPORATION] may receive a permit
6 [ANIMALS] only after

7 (1) obtaining an appropriate game farming license under
8 AS 03.05.075; and

9 (2) paying a reasonable permit fee that covers the costs of
10 reviewing the application for the permit and, if the application is approved, the
11 costs of supervising the taking of the animals [PROVING TO THE
12 SATISFACTION OF THE DEPARTMENT

13 (1) INTENT TO RAISE AND BREED THE ANIMALS; AND

14 (2) POSSESSION OF FACILITIES FOR MAINTAINING THE
15 ANIMALS UNDER POSITIVE CONTROL].

16 * Sec. 15. AS 16.40.010 is amended by adding new subsections to read:

17 (b) The department shall consider disposing of nonfatally injured, or live
18 abandoned calves of, bison, caribou, elk, moose, or musk oxen that cannot be returned
19 to the wild to a person who holds an appropriate game farming license under
20 AS 03.05.075.

21 (c) After a person acquires an animal under this section, a license or permit
22 from the department is not required in order to possess the animal for the purpose of
23 game farming. The possession and utilization of animals acquired under this section
24 for the purpose of game farming are subject to the provisions of AS 03 and regulations
25 adopted under AS 03.

26 (d) A live bison, caribou, elk, moose, or musk oxen may not be captured from
27 the wild or released into the wild without a permit from the department. A license or
28 permit from the department is not required in order to import, export, or possess bison,
29 caribou, elk, moose, or musk oxen for the purpose of game farming. Bison, caribou,
30 elk, moose, or musk oxen imported, exported, or possessed for the purpose of game
31 farming are subject to the provisions of AS 03 and regulations adopted under AS 03.

1 * Sec. 16. AS 16.40.020 and 16.40.050 are repealed.

**DIFFERENCES BETWEEN CSSB 46 (Fin) (version "J")
and new WORK DRAFT (version "R")**

In summary, the work draft before you of Senate Bill 46 differs from the Senate Finance Committee Substitute in the following ways:

1) It adds caribou to the list of game animals that may be farmed; the Senate Finance CS added only moose.

2) It transfers some regulatory authority from ADF&G to DNR so that ADF&G only has to deal with disposing of wild game animals to game farmers. Once the animals become privately owned, game farming would be regulated by DNR (and DEC to some extent); in the Senate Finance CS much game farming authority was given to ADF&G.

3) It gives DNR authority to issue game farming licenses, formerly a function of ADF&G.

4) It gives ADF&G authority to issue permits to qualified game farmers to obtain big game animals from the wild.

5) It revises all language in the bill so that game farming laws apply to all species (this was not the case under current law).

6) It adds definitions of new terms including "domesticated game animal," "game farming," and "lawfully owned."

**FOLLOWING IS A DETAILED ANALYSIS OF THE CHANGES IN
THE WORK DRAFT OF SB 46**

Throughout the work draft, certain sections of existing law that refer to specific farmed species of game (e.g. elk, musk oxen, bison, etc.) have been expanded to simply say "domesticated game animals" so that game farming laws and regulations apply uniformly to all legal species, and will apply in the future if new species are added to the list.

Also, throughout the work draft, the term "captive game animals" has been changed to "domesticated game animals."

Section 1.

No changes.

Section 2.

No changes (except technical: "captive" changed to "domesticated").

Section 3.

Subsection (a)

Provides DNR with the authority to issue game farming licenses and specifies the requirements that must be met by the applicant in order to qualify.

(In the Senate Finance CS, licensing authority was under the Dept. of Fish & Game. In the work draft, that authority was shifted to DNR since DNR is already responsible for the majority of game farming oversight and since it seems appropriate to relieve the Dept. of Fish & Game of such duties since their responsibility is to manage wild stocks rather than domestic animals.

Subsection (b)

Transfers the authority of the ADF&G to require certain functions of game farmers to DNR.

SB46 WORK DRAFT

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(Again, this change was made in order to place game farming regulatory authority with the proper agency.)

Those requirements in the work draft were revised as follows:

(1) No changes.

(2) The work draft requires a game farmer to register their animals with one agency - DNR. This information will be available to all other agencies who request it.

(The Senate Finance CS required registration with 3 agencies - DNR, DEC and ADF&G - which was overburdensome and unnecessary.)

(3) No changes.

(4) The work draft requires that a vet is to ensure the health of the animals by whatever means are appropriate.

(The Senate Finance CS required an examination of every farmed game animal twice a year. Such intense scrutiny may be unnecessary and could be very costly to the game farmer as well as time consuming to the vet.)

(5) The work draft requires notification to DNR within 30 days of birth, sale, slaughter or death of animals.

(In the Senate Finance CS, no time frame was in place and notification was given to ADF&G.)

(6) The work draft requires notification within 24 hours to all three agencies (DNR, DEC, ADF&G) of escapement and of entry of a wild big game animal on to a game farm.

(The Senate Finance CS only required 24 hour notification of entry of a big game animal.)

The necropsy requirement (*Subsection (b)(6) of the Senate Finance CS*) was moved to Subsection (e) in the work draft and was rewritten so that the exams are conducted at the discretion of DNR or DEC and only if the cause of death is not already apparent.

Section 4.