

PROPOSAL 237

5 AAC 92.044. Permit for hunting bear with the use of bait or scent lures.

Clarify that ADF&G will not issue permits to use bait or scent lures near prohibited areas already defined in regulation as follows:

Amend 5 AAC 92.044(b)(5) to read:

[A PERSON] **the department** may not **issue a permit to** use bait or scent lures within

(A) one-quarter mile of a publicly maintained road, trail, or the Alaska Railroad;

(B) one mile of a

(i) house or other permanent dwelling, except that bait may be used within one mile of a cabin if the cabin is on the opposite side of a major river system, as identified by the department in the permit, from the bear baiting station;

(ii) business; or

(iii) school; or

(C) one mile of a developed campground or developed recreational facility;

This amendment would ensure that any questions regarding the placement of a bait station are resolved prior to permit issuance rather than being sorted out through the court system in a criminal case. Although it would place additional burden on ADF&G, the location of the bait station is already a required under existing regulation.

What is the issue you would like the board to address and why? Under the current version of 5 AAC 92.044(b)(14) a person "shall, at the time of registration, provide to the department the specific location of the baiting station on a form provided by the department." Additionally, under 5 AAC 92.044(b)(5) a person may not use bait or scent lures within

(A) one-quarter mile of a publicly maintained road, trail, or the Alaska Railroad;

(B) one mile of a

(i) house or other permanent dwelling, except that bait may be used within one mile of a cabin if the cabin is on the opposite side of a major river system, as identified by the department in the permit, from the bear baiting station;

(ii) business; or

(iii) school; or

(C) one mile of a developed campground or developed recreational facility;

Oftentimes hunters will select a location for a bait station that is inadvertently too close to one of these locations. Sometimes this is due to an incorrect measurement, usually by GPS. Sometimes it is because of an unknown cabin that is not on any map. Sometimes it is because a road is further

than ¼ mile by the access trail, but closer in a straight line. Sometimes it is because “developed recreational facility” is an undefined term, subject to interpretation. Whatever the reason, this requirement can turn an inadvertent mistake into a misdemeanor charge.

PROPOSED BY: Kirk Schwalm

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