

PROPOSAL 144

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

Define "developed recreation facility" and "permanent dwelling" for bear baiting in Units 15 and 7 as follows:

I would ask the Board of Game to define “developed recreational facility” as a state-maintained multiuse area that provides services for shooting, launching of watercraft, or camping. It also must include signage and buildings that are regularly maintained for the purpose of recreation.

I would ask the board to define “permanent dwelling” as a structure permanently fixed in place, legally owned by the public or a private individual, and occupied for a minimum of 30 days per year.

What is the issue you would like the board to address and why? Currently for bear baiting in Units 15 and 7 the regulations read:

- 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;

There is no definition of what a permanent dwelling or recreational facility is. When I spoke to three different Alaska Wildlife Troopers and multiple ADF&G offices, not only was there different answers, but several officials assumed it was up to the INTERPRETATION of the wildlife officers to determine how to define these areas. I have spoken to many members of the public who have spoken about getting fined or had to prove in court what is, or is not legal when it comes to these areas. One officer may determine a bait site legal, while another may charge a hunter. The regulations currently allow an officer to determine a duck blind, tree stand or any type of structure as a permanent dwelling with no recourse when the courts determine otherwise.

PROPOSED BY: Caleb Martin (EG-F22-130)
