

ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS

STATEWIDE REGULATORY PROPOSALS

ALASKA BOARD OF GAME MEETING

ANCHORAGE, ALASKA

MARCH 14-18, 2014



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Game meeting, March 14 – 18, 2014 in Anchorage, Alaska, and are prepared to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final department positions will be formulated after review of written and oral testimony presented to the board.

PROPOSAL 133 - 5 AAC 92.003. Hunter education and orientation requirements.

PROPOSED BY: Len Malmquist.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to require an International Bowhunter Education Program (IBEP) or equivalent certification to hunt big game with a bow and arrow in Alaska.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.003. Hunter education and orientation requirements

Education requirements for bowhunters:

- An IBEP or equivalent certification is required to
 - o Hunt big game with a bow and arrow in any weapons-restricted hunt,
 - o Apply for drawing permits restricting the taking of big game by archery,
 - o Hunt black bears over bait with a bow and arrow in Units 7 and 14-16.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: If this proposal is adopted all bowhunters hunting big game in Alaska would be required to have the same certification. The requirement would affect bowhunters not currently certified, yet the department believes many archers are already IBEP-certified due to the current drawing permit opportunities for “bowhunters only” and the popular Dalton Highway Corridor Management Area (DHCMA), where certification is already required.

BACKGROUND: Special bowhunting opportunities in Alaska started in the 1960s with a moose hunt around Anchorage International Airport to prevent moose/aircraft collisions. Unfortunately, this hunt was rumored to have a high wounding loss rate and resulted in bad press about bowhunting. In 1983, the first bow-only moose hunt was held on Fort Richardson. In response to the previous bowhunt’s high wounding loss rate, a proficiency testing requirement was adopted. The hunt was a success, there was very low wounding loss, and the moose harvest goal was achieved. During the same year, a high moose count on the Anchorage hillside prompted a two day archery-only registration moose hunt. For many reasons, this turned out to be a highly controversial hunt.

In 1987, successful completion of an International Bowhunter Education Program (IBEP) course, in addition to the proficiency test, was required to hunt in “archery only” hunts. Hunter success rates improved and wounding rates were minimized following the proficiency test requirements. “Certified bowhunters only” or “bow and arrow only” hunts or areas exclude the use of other weapons, including crossbows.

The department’s Hunter Information and Training (HIT) Program sent this proposal out to current volunteer instructors, the HIT Steering Group, and to the ABA (Alaska Bowhunters Association) for comments. Fifty percent were not in favor of this proposal, feeling that it would add unnecessary restrictions, and more importantly, that it would single out bowhunters while not addressing the issue of “no requirements” for crossbow, rifle or muzzleloader hunters statewide. The other 50% of volunteer instructors believe that in theory the course should be mandated to all bowhunters, yet some had concerns about implementation.

IBEP courses are currently available in all areas of the state. The ADF&G Online Bowhunter Course currently has around 150 active bowhunter instructors

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal.

COST ANALYSIS: Approval of this proposal could result in an additional cost to private parties, since there is a small administrative charge for attending the course. Approval of this proposal could result in some additional equipment costs to the HIT Program if there is a large demand for certification.

PROPOSAL 134 – 5 AAC 92.003. Hunter education and orientation requirements.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to align the regulations for all bears taken over bait by archery to prevent confusion and simplify regulations.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.003. Hunter education and orientation requirements.

...

(g) A person may not take a black bear over bait in Unit 7 and Units 14 - 16 with a bow and arrow unless the person has successfully completed a department-approved bowhunting course.

...

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would align the regulations for all bears taken over bait. If this proposal is not adopted, there will continue be different archery certification requirements for brown bears and black bears at the same bait station.

BACKGROUND: In March of 2012 the Board of Game passed a regulation that allowed the take of brown bears at bait sites in some areas, and stated that all of the regulations in 5 AAC 92.044 applied. An additional regulation requiring International Bowhunter Education Program (IBEP) certification or equivalent for bowhunters harvesting black bears over bait in Units 7 and 14-16 is found under 5 AAC 92.003. *Hunter education and orientation requirements*. The Department of Fish and Game (department) would like to make the requirement for IBEP certification the same for both black and brown bears, and has presented three options for making the change.

Option 1 removes the IBEP requirement for taking bears over bait with a bow. Option 2 aligns the requirements for brown bear with the current requirements for black bear. Option 3 requires IBEP certification statewide for taking of both black and brown bears over bait with a bow and arrow.

Currently, taking brown bears over black bear bait sites is allowed in Units 7, 12, 13D, 15, 16, 20C, 20E, and 21D. Without alignment of the regulation, bowhunters taking a black bear over bait in Units 7, 15 and 16 would be required to be IBEP certified, but bowhunters taking a brown

bear in these same units, even at the same site, would NOT be required to have IBEP certification.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The department supports aligning requirements for both bear species to prevent confusion and simplify regulations. If this proposal is not adopted, there will continue to be differing regulations for archery hunters at bait stations, depending on the targeted species.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department. Additional private parties will have to obtain IBEP certification under some options.

PROPOSAL 135 – 5 AAC 92.019. Taking of big game for certain religious ceremonies.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal will clarify whether big game harvested for religious ceremonies is to be used within Alaska.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.019. Taking of big game for certain religious ceremonies. (a) The hunting and taking of game species having a positive finding in 5 AAC 99.025, outside the seasons or bag limits established in 5 AAC 85, for use as food in customary and traditional Alaska Native funerary or mortuary religious ceremonies within 12 months preceding the ceremony is authorized if consistent with sustained yield principles.

A written permit from the department is not required for taking big game under this section, except a ceremonial harvest report form must be obtained from the department and completed for taking game in nonsubsistence areas or in the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest Area defined in 5 AAC 92.074(d).

Before big game is taken under this section, notification of intent to take game for the customary and traditional Alaska Native funerary or mortuary religious ceremony must be made to the nearest office of the department.

The department must be notified of the location, species, sex, and number of animals taken within 15 days of taking the game.

There are no restrictions requiring the use of the animals taken under this regulation to occur within the state of Alaska.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the regulation governing the taking of big game for customary and traditional Alaska Native funerary or mortuary religious ceremonies will restrict the use of the game to within Alaska. This restriction will be similar to the regulation that covers game taken for cultural purposes (5 AAC 92.034) which was changed in 2012 to specify that game taken under that section must be used within this state.

BACKGROUND: Regulations governing the taking of game for customary and traditional Alaska Native funerary or mortuary religious ceremonies under 5 AAC 92.019 are intended to comply with the ruling of the Alaska Supreme Court in *Frank v. State* (1979) that taking of moose for use in Athabascan funeral potlatches is a right protected under provisions of the U.S. Constitution and the Alaska Constitution that address religious freedom. As the department reported to the Alaska Board of Game (board) in a January 2010 special publication, funeral or memorial potlatches held in the upper Tanana River and Copper River areas often draw guests from as far as Whitehorse (Yukon Territory, Canada), Nenana, Minto, Eagle, Anchorage, and Fairbanks. The publication also stated that, regarding wild foods, traditions require that leftovers be distributed to guests and that no food is retained by the hosts. There are other references in ethnographic reports of uses of game harvested for traditional Alaska Native religious ceremonies outside of the state; for example, in the Fort Yukon/Old Crow traditions.

The department receives several notifications each year for taking of game for certain religious ceremonies. The department has been advised by the Department of Law that the current wording of the regulation does not prohibit use of game taken for customary and traditional Alaska Native funerary or mortuary religious ceremonies outside of Alaska. It is unclear if it was the intent of the board to prohibit use of game harvested for and shared at customary and traditional Alaska Native funerary or mortuary religious ceremonies outside the state. If the proposal is not adopted, the department will continue to allow use of game outside Alaska and to advise the public that such uses are consistent with the board's intent to comply with *Frank v State*.

DEPARTMENT COMMENTS: The department submitted this proposal to clarify the board's intent and is **NEUTRAL**.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 136 – 5 AAC 92.990 Definitions.

PROPOSED BY: Al Barrette.

WHAT WOULD THE PROPOSAL DO? Create a definition for a general hunt.

WHAT ARE THE CURRENT REGULATIONS? At the beginning of each species section in Chapter 85, there is a statement saying: "In this section, the phrase 'General hunt only' means that there is a general hunt for residents, but no subsistence hunt, during the relevant open season." There is no definition of a general hunt found under the definition section in Chapter 92. For many game populations with customary and traditional (C&T) uses, subsistence hunting opportunities are provided through regulations that are identical to general hunting regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There would be a definition for a general hunt. The proposal indicates this would allow for separation and quantification of subsistence and nonsubsistence use.

BACKGROUND: Resident seasons listed in the Alaska Administrative Code currently have three designations: General Hunt Only, Subsistence Hunt Only, or no designation (blank). No designation for resident seasons means the season is the same for general hunting and

subsistence hunting. Nonresident hunters also have no designation because these designations only apply to resident hunts. Codified regulations do not always conform to the following guidelines:

“General Hunt Only” is applied to the hunt if the area is a nonsubsistence area, or if the area is outside a nonsubsistence area and there is a negative C&T finding for the game population in the area.

“Subsistence Hunt Only” is applied to the hunt if the area is outside a nonsubsistence area and there is a positive C&T finding for the game population, and there is only enough harvestable surplus available to provide for the amount reasonably necessary for subsistence.

Other hunts have no designation. These hunts generally include all types of use and do not specify the type of use.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. If the board chooses to adopt a definition of “general hunt”, the definition should not include nonresident hunting because regulations already address nonresident hunting as a category separate from resident hunt (general and subsistence). There are some discrepancies in the designations for some species (such as black bears) that could be clarified. Accurate quantification of effort or harvest by hunt type would require alignment of hunt areas with nonsubsistence area boundaries.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties. Approval of this proposal is expected to result in costs to the department because many sections of the Alaska Administrative Code would have to be rewritten to clearly allocate hunts between areas inside and outside nonsubsistence areas, and game populations with positive and negative C&T findings.

PROPOSAL 137 – 5 AAC 92.990 Definitions.

PROPOSED BY: Alaska Outdoor Council

WHAT WOULD THE PROPOSAL DO? Establish definitions for subsistence hunting and subsistence uses that exclude references to “... a resident domiciled in a rural area of the state...”

WHAT ARE THE CURRENT REGULATIONS? In October 2013, the Joint Board of Fisheries and Game adopted definitions in 5 AAC 99.021 of subsistence hunting, subsistence fishing, and subsistence uses that make no reference to place of residence.

Other definitions are found in Alaska statutes.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The newly adopted definitions of subsistence hunting, fishing, and uses were addressed in Chapter 99, which is under the purview of the Joint Board of Fisheries and Game.

Change to existing statutes must be implemented by legislative action.

Adding definitions under 5 AAC 92.990 would be either duplicate or contradict the regulations in 5 AAC 99.021 established by the Joint Board in October 2013.

BACKGROUND: When subsistence statutes were originally enacted, Alaska residents who were domiciled in rural areas were granted a priority for subsistence harvest. Subsequent court rulings eliminated the rural priority, but statutes have not been amended to reflect the change. In October 2013, the Joint Board of Fisheries and Game addressed the definitions under their purview at 5 AAC 99.021, and adopted definitions that do not make reference to place of residence. Proposals for this Board of Game meeting were due May 1, 2013, which was prior to the changes the Joint Board made in October 2013.

DEPARTMENT COMMENTS: The department recommends the board **TAKE NO ACTION** based on the October 2013 action by the Joint Board.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties or the department.

PROPOSAL 138 – 5 AAC 92.XXX. New regulation.

PROPOSED BY: Ed Sarten, Alaska Food Policy Council.

WHAT WOULD THE PROPOSAL DO? This proposal would, in the case of a state, national, or natural disaster, create emergency subsistence moose hunts with quotas to villages according to human and moose population levels.

WHAT ARE THE CURRENT REGULATIONS?

There are regulations that address taking of game in the event of dire emergencies, as follows:

5 AAC 92.400. Emergency Taking Of Game. Nothing in 5 AAC prohibits a person from taking game for food during a closed season in case of dire emergency, as defined in 5 AAC 92.990 . If it is reasonably possible to do so, the person taking game under this section shall salvage all edible portions of the meat, and shall deliver to the department all portions surplus to the alleviation of the dire emergency.

5 AAC 92.990. Definitions.

- (20) "dire emergency" means a situation in which a person
 - (A) is in a remote area;
 - (B) is involuntarily experiencing an absence of food required to sustain life;
 - (C) will be unable to perform the functions necessary for survival, leading to a high risk of death or serious and permanent health problems, if wild game food is not immediately taken and consumed; and
 - (D) cannot expect to obtain other food sources in time to avoid the consequences described in (C) of this paragraph.

There are also Joint Board of Fisheries and Game regulations addressing emergency petitions at 5 AAC 96.625. This regulation spells out the process for the Alaska Board of Game (board) and the department for addressing emergency petitions and emergency regulations, as is required by state law under the Administrative Procedures Act (AS 44.62).

There are no regulations addressing taking of game in the event of a disaster declaration and no regulations regarding allocation of moose to villages.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Moose harvest near villages during an emergency would be limited by a board-established quota and authorities would control the distribution of the moose meat.

BACKGROUND: The board makes allocations for subsistence and general hunts on a hunt-by-hunt basis according to the harvestable surplus of the game population. The department has emergency order (EO) authority to modify seasons and areas. Through the emergency petition process, the board can adopt emergency regulations to change seasons and bag limits and allow additional harvest to provide food based on the finding of emergency.

In regards to allocation of moose to villages, in December 1989, the Alaska Supreme Court ruled that the rural residency provision in Alaska’s subsistence law violated the Alaska Constitution and that place of residence may not be a factor in determining who may participate in subsistence hunts (see *McDowell v State* S-9101, 23 P.3d 1165).

Potlatch regulations protect traditional funerary and mortuary practices and provide for the teaching and preservation of historical or traditional Alaskan cultural practices, knowledge, and values, if consistent with sustained yield principles.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department and the board currently have the authority to provide for additional harvest of game in the event of an emergency. It is unclear in the proposal who would make the finding of an emergency and who would authorize the harvest.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties or the department.

PROPOSAL 139 – 5 AAC 92.010 Harvest tickets and reports.

PROPOSED BY: Al Barrette.

WHAT WOULD THE PROPOSAL DO? This proposal would remove the harvest ticket requirement (Figure 139-1) and require harvest reports for certain non-permit hunts.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.010. Harvest tickets and reports. (a) The number of each harvest ticket issued to a hunter must be entered on the hunter's license. A harvest ticket issued the previous calendar year and still valid must also be entered on the hunting license.

(b) After killing an animal for which a harvest ticket is required, the hunter shall remove immediately, before leaving the kill site, the day and month of the kill from the harvest ticket

without removing any other day or month, and shall keep the validated harvest ticket in possession until the animal has been delivered to the location where it will be processed for human consumption.

(c) Within 15 days after taking the bag limit for a species or, if the hunter does not take the bag limit, within 15 days after the close of the season, the hunter shall submit a completed harvest report to the department. A person may not falsify any fact on a harvest report submitted to the department under this subsection.

(d) A hunter who is younger than 10 years of age may not be issued a big game harvest ticket.

(e) For a permit hunt, the permit takes the place of a harvest ticket and report.

(f) For deer, a person may not hunt deer, except in a permit hunt, unless the person has in possession a deer harvest ticket, and Units 1 - 6, and 8, has obtained a harvest report (issued with the harvest ticket). In Units 1 - 6, and 8, a person must

(1) have in possession that person's unused deer harvest tickets while hunting deer; and

(2) validate the deer harvest tickets in sequential order, beginning with harvest ticket number one.

(g) For caribou, a person may not hunt caribou, except in a permit hunt, unless the person has in possession a harvest ticket and has obtained a harvest report (issued with the harvest ticket); however, a person who resides north of the Yukon River and is hunting north of the Yukon River is not required to use harvest tickets or harvest reports but must register to hunt caribou in the arctic.

(h) For moose and sheep, a person may not hunt moose or sheep, except in a permit hunt or in the Gates of the Arctic National Park, unless the person has in possession a harvest ticket for the species and has obtained a harvest report (issued with the harvest ticket); however, a person who is hunting Dall sheep in the Gates of the Arctic National Park must register with the department.

(i) For elk, a person who takes an elk in Units 1 - 5 where a drawing or registration permit is not required shall report the sex and location of the kill to the department's division of wildlife conservation office in Petersburg within five days of harvest.

(j) For black bear, a nonresident hunter who takes a black bear on Kuiu Island in Unit 3 shall report the sex and location of the kill to the department's division of wildlife conservation office in Petersburg within five days of harvest.

(k) Repealed 7/1/2010.

(l) For black bear, a person may not hunt black bear in Units 1-7, 11-16, 19(D), and 20, except when a permit is required, unless the person has in possession a harvest ticket for the species and has obtained a harvest report (issued with the harvest ticket).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the ticket stub portion of harvest tickets would no longer be required to be carried in the field, and hunters would no longer be required to validate a record of the harvest nor record any information, such as month and day of harvest, at the kill site. If adopted, hunters would only be required to fill out the overlay portion with hunter's demographic information and retain the report portion piece for reporting at the end of the hunt.

Persons who reside and hunt caribou north of the Yukon River and persons hunting sheep in the Gates of the Arctic National Park would use the same report as for other hunts. Persons hunting deer would no longer be required to carry all unused harvest tickets with them while hunting deer or to validate the harvest tickets in sequential order.

BACKGROUND: What the department and the public call "harvest tickets" are currently three-part pieces of paper that are free to the public. They are available in all ADF&G offices, at many vendors throughout the state, and online (Figure 139-1). They consist of an overlay portion that captures demographic information, a reporting portion, and a harvest ticket stub (also known as punch cards) which hunters are currently required to carry in the field. Each harvest ticket is numbered. Successful hunters are required to validate, by notching, the date and month of the kill on the ticket stub at the kill site. Validated tickets stubs are required to remain in possession of the successful hunter until the animal has been delivered to the location where it will be processed for human consumption. The proposal seeks to remove the ticket stub portion of the harvest ticket.

Currently, the number of the harvest ticket is required to be written on the back of the hunting license of the person who was issued the harvest ticket. This requirement works well for most people; however, licenses are occasionally lost or destroyed and duplicate licenses are issued. Hunters sometimes forget to record the harvest ticket number on the back of the duplicate license. In cases where the hunter carries an ADF&G Permanent Identification Card instead of a hunting license (such as residents over 60 years of age and disabled veterans), there is no place to write the harvest ticket number. Without a harvest ticket and ticket stub, enforcement officers would have no way of knowing if those hunters had obtained the required report prior to hunting.

Harvest ticket stubs are required to be validated at the kill site prior to the animal being removed from that kill site in order to deter hunters from harvesting another animal. There have been cases where hunters will harvest a more appealing animal after filling their bag limit. There have also been cases in some general hunts where one hunter from a group will harvest all of the animals for the entire group, sometimes without the other members being present in the field. By requiring hunters to validate their ticket stubs at the kill site, instances where this happens have decreased. By requiring hunters to validate the harvest ticket stub at the kill site, enforcement officers are able to match the number of harvest tickets and hunters to the number of animals being transported. By removing this requirement, enforcement officers will no longer have this valuable tool to protect the resource.

Validating the harvest ticket stub by notching the month and date of harvest also ensures accurate data for analyses of harvest chronology. These analyses are frequently used by the department to understand how harvest and success rates vary through the season. The board uses this information for allocation, maximizing opportunity, and ensuring reasonable opportunity for subsistence.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The harvest ticket is a fundamental component of the department’s management program, as it is for other states. The department is concerned that adoption of this proposal will remove a valuable tool for enforcement. Enforcement officers will have no means to verify whether or not hunters have obtained the required report prior to hunting. Seasons and bag limits for numerous hunts would have to be restricted to ensure harvest is consistent with sustained yield.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties. Approval of this proposal is expected to result in costs to the department since templates will have to be updated, instructions for hunters will have to be changed, and instructions to vendors that issue harvest tickets will have to be changed.

This portion stays with the vendor and is returned to Fish & Game for hunt administration.

Use this number when referencing your harvest report.

Complete this portion in the field if your hunt is successful.

Complete and return this portion after your hunt. You may also report online at <http://hunt.alaska.gov>

Figure 139-1.–Sample overlay, harvest report, and harvest ticket/ticket stub.

PROPOSAL 140 – 5 AAC 92.010. Harvest tickets and reports.

PROPOSED BY: Alaska Outdoor Council.

WHAT WOULD THE PROPOSAL DO? This proposal would require hunters to designate their harvest as being taken for wild food harvest for subsistence uses or for recreational values when reporting on harvest or permit reports.

WHAT ARE THE CURRENT REGULATIONS? There are no specific regulations asking hunters to characterize their harvest.

5 AAC 92.010. Harvest tickets and reports.

(c) Within 15 days after taking the bag limit for a species or, if the hunter does not take the bag limit, within 15 days after the close of the season, the hunter shall submit a completed harvest report to the department. A person may not falsify any fact on a harvest report submitted to the department under this subsection.

...

(e) For a permit hunt, the permit takes the place of a harvest ticket and report.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Hunters would be required to classify the harvest as either a wild food harvest for subsistence uses or for recreational values on harvest reports.

BACKGROUND: Either harvest tickets and reports or permit tickets and reports are required for most big game hunts in the state. The data currently collected on the reports are used for management purposes, and the questions determine the area taken, date of harvest, sex of animal taken, horn or antler size/configuration if applicable, method of take, method of harvest, and sealing information. There are no questions regarding the purpose of taking the animal, whether for use as food or as a recreational activity, or both.

As required by regulations, most hunts by Alaskans provide wild food. Without additional information about how the hunters' uses correspond with customary and traditional use patterns as described in board findings, and without any information on the factors respondents consider when classifying their harvests as either for subsistence uses or for recreation, and without clarification if the animal was harvested in a nonsubsistence area, or had a negative customary and traditional use finding, an enumeration of hunters' self-designations of their harvests may have limited utility in assisting the board in defining amounts reasonably necessary for subsistence or determining if reasonable opportunity for subsistence is affected.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. Although it will not affect our ability to manage for sustained yield, the information gathered may have limited utility for regulatory or statutory purposes. Presently, the Alaska Board of Game (board) establishes amounts reasonably necessary for subsistence (ANS) using participation and harvest data from harvest tickets and reports from all Alaskans, permit returns from all Alaskans, and systematic household surveys, as well as information provided by Alaskans during board meetings.

Most harvest reports are already fully utilized to obtain information necessary to manage the hunt. In some cases larger cards will be required or some other information may need to be

omitted. If adopted, the board would need to provide guidance to the department regarding the language on the report and the criteria for hunters to correctly report.

COST ANALYSIS: Approval of this proposal is not expected to result in any increase to private parties. There would be additional cost to the department to modify harvest and permit reports and provide information to the public concerning criteria for accurate reporting.

PROPOSAL 141 – 5 AAC 92.012 Licenses and tags.

PROPOSED BY: Alaska Wildlife Troopers.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to clarify where on the harvested animal the locking tag must be affixed by adding the following to 5 AAC 92.012:

“(e) : In any hunt where a numbered, non-transferable locking tag is required a person taking big game shall immediately affix the locking tag to the portion of the animal required to be salvaged from the field and the person shall keep the tag affixed until the animal is prepared for storage, consumed or exported.”

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.012 Licenses and tags. (a) No hunting or trapping license is required of a resident under the age of 16. An appropriate license and big game tag are required of nonresidents, regardless of age, for hunting and trapping. No person 16 years of age or older may take waterfowl unless that person has a current, validated, federal migratory bird hunting stamp or "duck stamp" in possession.

(b) Upon request from an employee of the department or a peace officer of the state, a person may not refuse to present for inspection any license, harvest ticket, permit, or tag, any game, or any apparatus designed to be, and capable of being, used to take game.

(c) A resident may not take a brown bear, except as provided in 5 AAC 92.015, or a musk ox, without possessing a numbered, nontransferable, and appropriate tag, issued to that person. The person taking game shall immediately affix the tag to the animal and the person shall keep the tag affixed until the animal is prepared for storage, consumed, or exported.

(d) In any hunt requiring that nonresidents be personally accompanied by a registered guide or resident second-degree-kindred relative while hunting, pursuing, or taking big game, if a nonresident hunter chooses to be accompanied by a resident second-degree-kindred relative, the resident second-degree-kindred relative must have in possession a valid big game hunting license issued in this state.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal is adopted, successful hunters will be required to affix locking tags (where required) to a portion of the animal required to be salvaged from the field. Hunters who do not know where on the animal to affix the locking tag may benefit by having this regulation clarified.

BACKGROUND: Locking tags are often required for hunts involving highly sought-after or economically-valuable game populations. The requirement ensures that Alaska Wildlife Troopers and department staff can link harvested game to the hunter and the permit under which the game was taken. This enables enforcement of regulations as well as accurate harvest tracking.

As currently written, the regulations do not specify that locking tags must be attached to a portion of the animal that must be salvaged. This allows a hunter to attach the locking tag to a portion of the animal that can be legally left at the kill site. For example, if the hide of a black bear is not required to be salvaged, a hunter can attach the locking tag to the hide and legally leave the hide and the tag in the field. This loophole negates the purpose of the locking tag.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal because the current regulations allow a practice that negates the intended purpose of requiring locking tags and the proposed change will align the regulation with the intent of its adoption.

COST ANALYSIS: Approval of this proposal is not expected to result in any increase to private parties or to the department.

PROPOSAL 142 – 5 AAC 92.012. Licenses and tags.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to remove the requirement to show any game, or any apparatus designed to be, and capable of being, used to take game to peace officers or department employees. The proposal would retain the requirement to show licenses, harvest tickets, permits, or tags.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.012. Licenses and tags.

...

(b) Upon request from an employee of the department or a peace officer of the state, a person may not refuse to present for inspection any license, harvest ticket, permit, or tag, any game, or any apparatus designed to be, and capable of being, used to take game.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, people would be able to refuse the request of employees of the department and peace officers of the state to show the game they had in their possession, as well as anything used to harvest the animal, such as weapons and ammunition. (Note: the effect of this proposal is incorrect on the roadmap).

BACKGROUND: Currently, individuals are required to present for inspection any apparatus designed to be, and capable of being, used to take game to an employee of the department or a peace officer. The reason for these requests is to allow enforcement officers to ensure hunters and trappers are following all applicable regulations. If this proposal is adopted, enforcement officers will no longer be able to determine if people were in compliance with bag and size limits and if legal equipment was used to take game.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The department is concerned adoption of this proposal will remove a valuable tool for enforcement. Peace officers will have no means to verify whether or not hunters have obtained, exceeded, or violated conditions of the bag limits. Seasons and bag limits for numerous hunts would have to be restricted to ensure harvest is consistent with sustained yield.

COST ANALYSIS: Approval of this proposal is not expected to result in any increase to private parties or to the department.

PROPOSAL 143 – 5 AAC 92.025. Permit for exporting a raw skin.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to repeal the requirement for raw fur shipping permits.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.025. Permit for exporting a raw skin. (a) No person may ship, mail, or otherwise transport from Alaska the raw skin of a wild fur animal or fur bearer unless the person first obtains an export permit or shipping tag and an export report or postcard available from the department, post offices, or commercial carriers.

(b) A person who ships, mails, or otherwise transports from Alaska the raw skin of a wild fur animal or fur bearer shall attach a fur export permit to the outside of any package containing the raw skin and shall include a statement that each skin was legally taken and possessed. No carrier or post office may accept for shipment from Alaska a raw skin of a wild fur animal or fur bearer unless a fur export permit is attached. Before shipment, the person shipping, mailing, or otherwise transporting the raw skin shall detach the fur export report from the fur export permit, and shall complete it and mail it to the department.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal is adopted, shippers of raw fur will no longer be required to complete a state permit and export report prior to shipping those furs. If the state regulation requiring the export report form is removed, the hunter or trapper could simply include the required information on the shipping box and be in compliance with federal shipping regulations.

BACKGROUND: This regulation was adopted by the Board of Game 29 years ago and has not been changed since then. Since the adoption of the regulation, federal regulations have increased oversight of shipping of furs and other wildlife parts, rendering the raw fur export permit obsolete. In addition, the department has improved methods of information collection, such as sealing requirements and trapper surveys, needed to manage fur animal and furbearer populations.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal and submitted an identical proposal (Proposal 144). The information obtained from the raw fur skin export cards is not used by the department, and we know of no use for them; however, some shippers of raw fur may have reason to keep the permits.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 144 – 5 AAC 92.025. Permit for exporting a raw skin.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? The proposal seeks to repeal the requirement for an export permit or shipping tag and an export report or postcard prior to transporting raw skins of fur animals and furbearers from Alaska.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.025. Permit for exporting a raw skin. (a) No person may ship, mail, or otherwise transport from Alaska the raw skin of a wild fur animal or fur bearer unless the person first obtains an export permit or shipping tag and an export report or postcard available from the department, post offices, or commercial carriers.

(b) A person who ships, mails, or otherwise transports from Alaska the raw skin of a wild fur animal or fur bearer shall attach a fur export permit to the outside of any package containing the raw skin and shall include a statement that each skin was legally taken and possessed. No carrier or post office may accept for shipment from Alaska a raw skin of a wild fur animal or fur bearer unless a fur export permit is attached. Before shipment, the person shipping, mailing, or otherwise transporting the raw skin shall detach the fur export report from the fur export permit, and shall complete it and mail it to the department.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal is adopted, shippers of raw fur will no longer be required to complete a state permit and export report prior to shipping those furs. If the state regulation requiring the export report form is removed, the hunter or trapper could simply include the required information on the shipping box and be in compliance with federal shipping regulations.

BACKGROUND: This regulation was adopted by the Board of Game 29 years ago and has not been changed since then. Since the adoption of the regulation, federal regulations have increased oversight of shipping of furs and other wildlife parts and the raw fur permit export has become obsolete. In addition, the department has improved methods of information collection, such as sealing requirements and trapper surveys, needed to manage fur animal and furbearer populations.

DEPARTMENT COMMENTS: The department submitted this proposal but remains **NEUTRAL** since some shippers of raw fur may desire to keep permit system in place. The information obtained from the raw fur skin export cards is not used by the department. The board may wish to **TAKE NO ACTION** based on the action taken on Proposal 143.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 145 – 5 AAC 92.XXX. New section.

PROPOSED BY: Tod Martin

WHAT WOULD THE PROPOSAL DO? The proposal seeks to increase the number of hunters allowed to apply for party hunts from two to at least three.

WHAT ARE THE CURRENT REGULATIONS? There are no current regulations covering the number of people allowed to apply as a party. Department administrative procedures have always allowed for a maximum of two people to apply together as a party.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would allow at least three people to apply together as a party.

BACKGROUND: The practice of allowing two people to apply as a party started in the late 1960s when drawing hunts were first established and has not changed since. This is not found in regulation but is department policy.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not present a conservation concern. If adopted, the new regulation would move the authority to determine the number of people in a party from the department to the Board of Game.

COST ANALYSIS: If passed, the department does not foresee any additional costs to private persons. However, if passed, there would be additional costs to the department to implement the new regulation. A rewrite of the software programs used to calculate permit awards would be required; this rewrite is estimated to cost over \$100,000.

PROPOSAL 146 – 5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts; 5 AAC 92.061. Special provisions for brown bear drawing permit hunts; and 5 AAC 92.069. Special provisions for moose drawing permit hunts.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to remove the reference to proof of a guide contract and guide use area registration at the time of application for drawing hunts.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts.** (a) In a sheep drawing permit hunt specified in this section, a nonresident may apply for and obtain a permit only as follows:

(1) the department may issue a drawing permit under this section only to a successful nonresident applicant who meets the requirements of this section;

(2) the department shall enter, in a nonresident drawing, each complete application from a nonresident who will be accompanied by a guide or relative; the department may enter an application for the applicable hunt only to a nonresident applicant who presents proof at the time of application that the applicant will be accompanied by a

(A) resident over 19 years of age who is the spouse or other relative of the applicant within the second degree of kindred, as described in AS 16.05.407(a); or

(B) guide, as required under AS 16.05.407 or 16.05.408, and that the guide has a guide use area registration on file with the Department of Commerce, Community, and Economic Development in accordance with AS 08.54.750 and 12 AAC 75.230, for the applicable guide use area during the season the drawing permit is valid.

(b) The department shall issue Dall sheep permits as follows:

(1) Units 12, 13(C) and 20(D), Tok Management Area: the department shall issue a maximum of 10 percent of the drawing permits to nonresidents and a minimum of 90 percent of the drawing permits to residents; a maximum of 50 percent of the nonresident permits may be issued to nonresidents accompanied by a resident over 19 years of age who is the spouse or other relative of the applicant within the second degree of kindred, as described in AS 16.05.407(a);

(2) Unit 13(D): the department shall issue a maximum of 20 percent of the drawing permits to nonresidents and a minimum of 80 percent of the drawing permits to residents;

(3) Unit 14(A): the department shall issue a maximum of 10 percent of the drawing permits to nonresidents and a minimum of 90 percent of the drawing permits to residents.

(4) Unit 14(C): the department shall issue a maximum of five percent of the archery drawing permits to nonresidents and a maximum of 13 percent of the remaining drawing permits to nonresidents.

(5) Units 13(B), 20(A) and 20(D), those portions within the Delta Controlled Use Area: the department shall issue a maximum of 10 percent of the drawing permits to nonresidents and a minimum of 90 percent of the drawing permits to residents; in the Delta Controlled Use Area a nonresident does not have to meet the requirements in (a) of this section.

(c) In a goat drawing permit hunt in Unit 13(D), Unit 14(A), and Unit 14(C), a nonresident may apply for and obtain a permit only as follows:

(1) the department may issue a drawing permit under this subsection only to a successful nonresident applicant who meets the requirements of this section;

(2) the department shall enter, in a nonresident drawing, each complete application from a nonresident who will be accompanied by a guide or relative; the department may enter an application for the applicable hunt only to a nonresident applicant who presents proof at the time of application that the applicant will be accompanied by a

(A) resident over 19 years of age who is the spouse or other relative of the applicant within the second degree of kindred, as described in AS 16.05.407(a); or

(B) guide, as required under AS 16.05.407 or 16.05.408, and that the guide has a guide use area registration on file with the Department of Commerce, Community, and Economic Development in accordance with AS 08.54.750 and 12 AAC 75.230, for the applicable guide use area during the season the drawing permit is valid.

5 AAC 92.061. Special provisions for brown bear drawing permit hunts. (a) In the Unit 8 general brown bear drawing permit hunt, the department shall issue permits, and a hunter may apply for a permit, as follows:

(1) the department shall issue a maximum of 40 percent of the drawing permits to nonresidents and a minimum of 60 percent to residents; each guide may submit the same

number of nonresident applications for a hunt as the number of permits available for that hunt;

(2) the department shall enter, in a resident drawing, each application from a resident and each application from a nonresident accompanied by a resident relative who is within the second degree of kindred; for each season, the department shall issue a maximum of four permits to nonresident hunters accompanied by a resident relative who is within the second degree of kindred; however, the department may not issue, within one calendar year, more than one of these permits per individual hunt, as described in the permit hunt guide published each year by the department;

(3) the department shall enter, in a guided nonresident drawing, each complete application from a nonresident who will be accompanied by a guide; the department may enter an application and issue a drawing permit for the general hunt only to a successful nonresident applicant who presents proof at the time of application that the applicant will be accompanied by a guide, as required in AS 16.05.407 or 16.05.408;

(4) the following provisions apply to a guided nonresident drawing under this section:

(A) an applicant for a guided nonresident drawing permit may apply for only one such permit per application period;

(B) after the successful applicants have been selected by drawing, the department shall create an alternate list by drawing the remaining names of applicants for a specific hunt and placing the names on the alternate list in the order in which the names were drawn;

(C) if a successful applicant or cancels the guided hunt, the person whose name appears first on the alternate list for that hunt shall be offered the permit; if an alternate applicant cancels the guided hunt, the permit must be offered in turn to succeeding alternate applicants until the alternate list is exhausted;

(D) if a guided nonresident drawing permit is available, but the alternate list is exhausted, the permit becomes available, by registration at the Kodiak ADF&G office, to the first applicant furnishing proof that the applicant will be accompanied by a guide;

(5) repealed 7/1/2007.

(b) In the Unit 10 brown bear drawing permit hunt, a nonresident may apply for and obtain a permit only as follows:

(1) the department may issue a drawing permit under this section only to a successful nonresident applicant who meets the requirements of this section;

(2) repealed 7/1/2013;

(3) the department shall enter, in a nonresident drawing, each complete application from a nonresident who will be accompanied by a guide or relative; the department may enter an application for the applicable hunt only to a nonresident applicant who presents proof at the time of application that the applicant will be accompanied by a

(A) resident over 19 years of age who is the spouse or other relative of the applicant within the second degree of kindred, as described in AS 16.05.407(a); or

(B) guide, as required under AS 16.05.407 or 16.05.408, and that the guide has a guide use area registration on file with the Department of Commerce, Community, and Economic Development in accordance with AS 08.54.750 and

12 AAC 75.230, for the applicable guide use area during the season the drawing permit is valid.

5 AAC 92.069. Special provisions for moose drawing permit hunts. (a) In a moose drawing permit hunt specified in this section, a nonresident may apply for and obtain a permit only as follows:

(1) the department may issue a drawing permit under this section only to a successful nonresident applicant who meets the requirements of this section;

(2) the department shall enter, in a guided nonresident drawing, each complete application from a nonresident who will be accompanied by a guide; the department may enter an application for the applicable hunt only to a nonresident applicant who presents proof at the time of application that the applicant will be accompanied by a guide, and that the guide has a guide use area registration on file with the Department of Commerce, Community, and Economic Development in accordance with AS 08.54.750 and 12 AAC 75.230, for the applicable guide use area during the season the drawing permit is valid;

(3) the department shall enter in a non-guided nonresident drawing all other complete applications from nonresidents.

(b) The department shall issue permits as follows:

(1) in Units 21(D) and 24, the Koyukuk Controlled Use Area,

(A) the department shall issue a maximum of 50 percent of the available nonresident drawing permits to guided nonresidents, and a minimum of 50 percent of the available nonresident drawing permits to non-guided nonresidents; if the number of guided nonresidents applying for permits is insufficient to award 50 percent of the available nonresident drawing permits, the department may award the remaining available nonresident drawing permits to non-guided nonresidents;

(B) an applicant for a guided nonresident drawing permit may apply for only one permit per application period;

(C) after the successful applicants have been selected by drawing, the department shall create an alternate list by drawing the remaining names of applicants for a specific hunt and placing the names on the alternate list in the order in which the names were drawn;

(D) if a successful applicant cancels the guided hunt, the person whose name appears first on the alternate list for that hunt shall be offered the permit; if an alternate applicant cancels the guided hunt, the permit must be offered in turn to succeeding alternate applicants until the alternate list is exhausted;

(E) if a guided nonresident drawing permit is available, but the alternate list is exhausted, the department shall issue permits by registration at the Fairbanks division of wildlife conservation office, to the next succeeding non-guided nonresident, awarded in the order in which the names were drawn, until the alternate list is exhausted;

(2) in Unit 21(D), outside the Koyukuk Controlled Use Area, if the drawing permit hunt is allocated between residents and nonresidents, the department shall issue a maximum of 50 percent of the available nonresident drawing permits to guided nonresidents, and a minimum of 50 percent of the available nonresident drawing permits to non-guided nonresidents; if the number of guided nonresidents applying for permits is insufficient to award 50 percent of the

available nonresident drawing permits, the department may award the remaining available nonresident drawing permits to non-guided nonresidents.

(3) in Unit 21(B), that portion within the Nowitna River drainage upstream from the Little Mud River drainage and within the corridor extending two miles on either side of and including the Nowitna River, the drawing permit hunt is allocated 50 percent to residents and 50 percent to nonresidents; the department shall issue a maximum of 75 percent of the available nonresident drawing permits to guided nonresidents, and a minimum of 25 percent of the available nonresident drawing permits to non-guided nonresidents; if the number of nonresidents applying for permits for either nonresident hunt is insufficient to award the required percentage, the department may award the remaining available nonresident drawing permits to the other nonresident hunt.

(4) in Unit 23, that portion south of the north bank of the Kobuk River and Melvin Channel downstream of the Kobuk Valley National Park boundary below the Kallarichuk River mouth, the Selawik River drainage, the Kauk River drainage, and the Baldwin Peninsula, the department shall issue a maximum of 50 percent of the available nonresident drawing permits to guided nonresidents, and a minimum of 50 percent of the available nonresident drawing permits to non-guided nonresidents.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, nonresidents applying for certain brown bear, Dall sheep, mountain goat, and moose hunts would no longer be required to submit proof of a guide contract upon application to the department for a hunt. In addition, guides would not be required to be registered for a guide use area within the hunt area at the time of application.

BACKGROUND: Over the last few years, the Board of Game (board) has adopted regulations modifying the requirements for nonresidents applying for guided drawing hunts in specific areas. These regulations require that nonresidents hire a guide who had previously selected a guide use area within the drawing hunt area before the nonresidents can complete an application. Because guide use area selection is done through a different department in the state, and can be completed long after the drawing application period has been closed, the Alaska Department of Fish and Game (department) does not have the ability to verify that applicants are selecting a guide who is in compliance with the existing regulations.

Because these regulations have requirements for both the hunter and the guide, it has been determined that the current implementation of these regulations in the drawing application process—having nonresident applicants provide the name of the guide they have contacted for the hunt at the time of application—is not sufficient for enforcing the guide responsibilities. To remedy this problem it would be necessary to make significant programming changes to the current application process and to have access to complete and timely electronic information from the Department of Commerce, Community, and Economic Development.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal because the current regulations are unenforceable and legally flawed. The department is willing to discuss solutions to the problems associated with implementing these regulations as long as the department is not required to validate guide-client contracts. However, until a new system is developed and implemented, the department considers these regulations unworkable and asks that the board repeal them.

COST ANALYSIS: If passed, the department does not foresee any additional costs to private persons or the department.

PROPOSAL 147 – 5 AAC 92.029 (b). Permit for possessing live game.

PROPOSED BY: Alan Armbruster.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would add five species of birds to the list of animals allowed to be possessed, imported, exported, bought, sold or traded without a permit from the department.

WHAT ARE THE CURRENT REGULATIONS? The current regulations are:

- (a) Except as otherwise provided in this chapter, or in AS 16, no person may possess, import, release, export, or assist in importing, releasing, or exporting, live game, unless the person holds a possession permit issued by the department.
- (b) The following species, not including a hybrid of a game animal and a species listed in this subsection, may be possessed, imported, exported, bought, sold, or traded without a permit from the department but may not be released into the wild:

| Common Name | Scientific Name |
|---|--|
| Dog | <i>Canis familiaris</i> |
| Cat | <i>Felis catus</i> |
| Sheep | <i>Ovis aries</i> |
| Goat | <i>Capra hircus</i> |
| Cattle | <i>Bos taurus</i> |
| Oxen | <i>Bos spp.</i> |
| Horse | <i>Equus caballus</i> |
| Guinea pig | <i>Cavia porcellus</i> |
| Reindeer (except feral reindeer) | <i>Rangifer tarandus</i> Var. |
| Llama | <i>Lama peruana</i> |
| Alpaca | <i>Lama pacos</i> |
| One-humped camel | <i>Camelus dromedarius</i> |
| Ass | <i>Equus asinus</i> Var. |
| Mule | <i>Equus asinus x caballus</i> |
| Swine | <i>Sus scrofa</i> Var. |
| European ferret | <i>Mustela putorius furo</i> |
| European rabbit | <i>Oryctolagus cuniculus</i> Var. |
| White rat | <i>Rattus norvegicus</i> Var. <i>albinus</i> |
| Mice: white, waltzing, singing, shaker, piebald | <i>Mus musculus</i> Var. |
| Fat-tailed gerbil | <i>Pachyuromys duprasi</i> |
| Gerbil | <i>Gerbillus</i> spp. |
| Hamster (golden) | <i>Mesocricetus auratus</i> |
| Chinchilla | <i>Chinchilla laniger</i> |
| Cavy | <i>Cavia aperea</i> |
| Hedgehog, African Pygmy | <i>Erinaceus albiventris</i> |

| | |
|---|---|
| Chicken | <i>Gallus gallus</i> Var. |
| Pigeon | <i>Columia livia</i> Var. |
| Any Turkey species | Subfamily <i>Meleagridinae</i> |
| Any Pheasant, Junglefowl or <i>Coturnix</i> species | Subfamily <i>Phasianinae</i> |
| Any Guineafowl species | Subfamily <i>Numidinae</i> |
| Canary | <i>Serinus canaria</i> Var. |
| Parrot, parakeet, cockatiel, macaw, and other members of the Family <i>Psittacidae</i> not prohibited by federal or international law | Family <i>Psittacidae</i> |
| Toucan | Family <i>Ramphastidae</i> |
| Any New World Quail species (including Bobwhite) | Subfamily <i>Odontophorinae</i> |
| Mynah | <i>Acridotheres</i> spp. |
| Any Peafowl species | <i>Pavo</i> spp. |
| Any duck, goose, swan, or other migratory waterfowl which the U.S. Fish and Wildlife Service determines does not require a federal permit for private ownership | |
| Chukar partridge | <i>Alectoris chukar</i> |
| Button "quail" | Family <i>Turnicidae</i> in the order <i>Gruiformes</i> |
| Any nonvenomous reptile (crocodile, alligator, snake, turtle, or lizard) | Class <i>Reptilia</i> |
| Members of the bird families <i>Fringillidae</i> , <i>Turdidae</i> , <i>Zosteripidae</i> , <i>Pycnonotidae</i> , <i>Timaliidae</i> , and <i>Ploceidae</i> of non-Holarctic origin. Members of the bird families <i>Columbidae</i> and <i>Trogonidae</i> of non-nearctic origin. | |
| Elk (except feral and wild elk) | <i>Cervus elaphus</i> |
| Bison (except feral and wild bison) | <i>Bison bison</i> |
| Muskoxen (except feral and wild muskoxen) | <i>Ovibos moschatus</i> |

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would add five species of birds to the “clean list”; specifically, zebra finch

(*Taeniopygia guttata*), society finch (*Lonchura striata* var. *domestica*), gouldian finch (*Erythrura gouldiae*), spice finch (*Lonchura punctulata*) and strawberry finch (*Amandava amandava*).

BACKGROUND: A similar proposal was brought before the Board of Game in 2010. This proposal restricts the requested additions to only five bird species, instead of the entire family of *Estrilidae*. The requested species are not true finches, but are common pet species with wild populations originating in southern Asia and Australia.

Zebra finch *Taeniopygia guttata* – common pet species, readily breeds in captivity, feral in U.S. and other countries. No conservation concerns in its native range.

Society finch *Lonchura striata* var. *domestica* – common pet species, readily breeds in captivity, feral in U.S. and other countries. No conservation concerns in its native range.

Gouldian finch *Erythrura gouldiae* – common pet species, readily breeds in captivity, feral in U.S. and other countries. Near threatened in wild due to habitat loss. Native to northern Australia.

Spice finch *Lonchura punctulata* – common pet species, readily breeds in captivity, feral in southern U.S. and other countries. No conservation concerns in its native range.

Strawberry finch *Amandava amandava* - common pet species, readily breeds in captivity, large range in the wild. No conservation concerns in its native range.

Below is a general evaluation of the five requested species against the five criteria used by the department to assess whether a species should be added to the clean list.

- 1) Is the species capable of surviving in the wild in Alaska? Possibly. Some species may be able to survive year round in southern portions of the state.
- 2) Is the species capable of causing genetic alteration of a species indigenous to Alaska? Unknown for all requested species.
- 3) Is the species capable of causing a significant reduction in the population of a species indigenous to Alaska? Unknown; probably not a significant concern due to tropical and temperate natural distribution of proposed species, but they may compete with native species if they are able to survive in the wild.
- 4) Is the species capable of transmitting a disease to a species indigenous to Alaska? Unknown; the risk of disease is probably similar to other domestic fowl. In some locations, eye infections affecting wild finches are reported in the literature. Other diseases affecting avian communities may be transmissible through these species.
- 5) Does the species otherwise present a threat to the health or population of a species indigenous to Alaska? Unknown; possible that they may impact or displace native species if they are able to survive in the wild.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. It is impossible to quantify the risk these species would present to native species. It may not be any

greater than for some other avian species currently on the “clean list”. These species are commonly possessed as pets in other states and likely enter Alaska when people move into the state.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties. Approval of this proposal is not expected to result in additional costs to the department.

PROPOSAL 148 – 5 AAC 92.029 (b). Permit for possessing live game.

PROPOSED BY: Petco.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would add the genus *Phodopus* to the list of animals allowed to be possessed, imported, exported, bought, sold or traded without a permit from the department.

WHAT ARE THE CURRENT REGULATIONS? The current regulations are:

- (a) Except as otherwise provided in this chapter, or in AS 16, no person may possess, import, release, export, or assist in importing, releasing, or exporting, live game, unless the person holds a possession permit issued by the department.
- (b) The following species, not including a hybrid of a game animal and a species listed in this subsection, may be possessed, imported, exported, bought, sold, or traded without a permit from the department but may not be released into the wild:

| Common Name | Scientific Name |
|---|--|
| Dog | <i>Canis familiaris</i> |
| Cat | <i>Felis catus</i> |
| Sheep | <i>Ovis aries</i> |
| Goat | <i>Capra hircus</i> |
| Cattle | <i>Bos taurus</i> |
| Oxen | <i>Bos spp.</i> |
| Horse | <i>Equus caballus</i> |
| Guinea pig | <i>Cavia porcellus</i> |
| Reindeer (except feral reindeer) | <i>Rangifer tarandus</i> Var. |
| Llama | <i>Lama peruana</i> |
| Alpaca | <i>Lama pacos</i> |
| One-humped camel | <i>Camelus dromedarius</i> |
| Ass | <i>Equus asinus</i> Var. |
| Mule | <i>Equus asinus x caballus</i> |
| Swine | <i>Sus scrofa</i> Var. |
| European ferret | <i>Mustela putorius furo</i> |
| European rabbit | <i>Oryctolagus cuniculus</i> Var. |
| White rat | <i>Rattus norvegicus</i> Var. <i>albinus</i> |
| Mice: white, waltzing, singing, shaker, piebald | <i>Mus musculus</i> Var. |

Fat-tailed gerbil
Gerbil
Hamster (golden)
Chinchilla
Cavy
Hedgehog, African Pygmy
Chicken
Pigeon
Any Turkey species
Any Pheasant, Junglefowl or
Coturnix species
Any Guineafowl species
Canary
Parrot, parakeet, cockatiel,
macaw, and other members of
the Family *Psittacidae*
not prohibited by federal or
international law
Toucan
Any New World Quail species
(including Bobwhite)
Mynah
Any Peafowl species
Any duck, goose, swan, or other
migratory waterfowl which
the U.S. Fish and Wildlife
Service determines does not
require a federal permit for
private ownership
Chukar partridge
Button "quail"

Any nonvenomous reptile
(crocodile, alligator, snake,
turtle, or lizard)
Members of the bird families
Fringillidae, *Turdidae*,
Zosteripidae, *Pycnonotidae*,
Timaliidae, and
Ploceidae of non-
Holarctic origin. Members of
the bird families
Columbidae and
Trogonidae of non-
nearctic origin.
Elk (except feral and wild elk)

Pachyuromys duprasi
Gerbillus spp.
Mesocricetus auratus
Chinchilla laniger
Cavia aperea
Erinaceus albiventris
Gallus gallus Var.
Columia livia Var.
Subfamily *Meleagridinae*
Subfamily *Phasianinae*

Subfamily *Numidinae*
Serinus canaria Var.
Family *Psittacidae*

Family *Ramphastidae*
Subfamily *Odontophorinae*

Acridotheres spp.
Pavo spp.

Alectoris chukar
Family *Turnicidae* in the
order *Gruiformes*
Class *Reptilia*

Cervus elaphus

| | |
|---|-------------------------|
| Bison (except feral and wild bison) | <i>Bison bison</i> |
| Muskoxen (except feral and wild muskoxen) | <i>Ovibos moschatus</i> |

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would add all species of the genus *Phodopus* to the “clean list”. Currently this genus includes Campbell’s dwarf hamster (*Phodopus campbelli*), Djungarian hamster (*Phodopus sungorus*), and Roborovski hamster (*Phodopus roborovskii*). Adding the *Phodopus* genus in entirety opens the door for other species later identified as members of this genus to be permitted without further review.

BACKGROUND: The requested species are not part of the *Muridae* family as stated in the proposal; they belong to the *Cricetidae* family, similar to the currently-permitted golden hamster (*Mesocricetus auratus*). *Phodopus* are sold as pet species in other states. Wild populations inhabit mountainous forests, steppes, and semi-deserts of Mongolia and the adjacent areas of China, northeast Kazakhstan, and the southern part of the West Siberian lowlands. Juveniles may become reproductively active in their first year.

Campbell’s dwarf hamster *Phodopus campbelli* – common pet species, readily breeds in captivity. This species has a large population size and a wide distribution. No conservation concerns in their native range. Occurs in grasslands, semi-deserts, and deserts. May occupy burrows of other small animals, rather than digging their own. Their diet is primarily seeds and plants, but they are known to consume insects. Nocturnal or crepuscular; do not hibernate. Breeds from April–October.

Djungarian hamster *Phodopus sungorus* – common pet species, readily breeds in captivity. No conservation concerns in their native range. Often uses other rodents' burrows, sometimes lives very close to other species. Does not hibernate and feeds on seeds, insects and larvae. In winter, accumulates a large amount of hypodermic fat that helps them to survive freezing temperatures. Reproduces during warm times of the year, sometimes in winter as well.

Roborovski hamster *Phodopus roborovskii* – common pet species, readily breeds in captivity. No conservation concerns in their native range. Occurs in sandy deserts and grasslands of China, Kazakhstan, Mongolia, and Russian Federation. Eats seeds and also consumes green vegetation and insects. Nocturnal; does not hibernate. Reproduces from March–September.

Below is a general evaluation of the genus against the five criteria used by the department to assess whether a species should be added to the clean list.

- 1) Is the genus capable of surviving in the wild in Alaska? Possibly. Species in this genus may be able to survive year-round and are tolerant of extreme weather in their native habitats.
- 2) Is the genus capable of causing genetic alteration of a species indigenous to Alaska? Unknown for the requested genus.
- 3) Is the genus capable of causing a significant reduction in the population of a species

indigenous to Alaska? Unknown. If *Phodopus* sp. are able to survive in the wild, they could possibly compete with voles or other small mammal species for food and resources.

- 4) Is the genus capable of transmitting a disease to a species indigenous to Alaska? Unknown; the risk of disease is probably similar to other domestic small animals.
- 5) Does the genus otherwise present a threat to the health or population of a species indigenous to Alaska? Unknown; possible that they may impact or displace native small mammal species if they are able to survive in the wild.

Phodopus sp. display a variety of morphological, physiological and behavioral adaptations to seasonal temperature extremes and aridity. To survive the exceptional cold of winter, they have evolved spherical, compact bodies with excellent insulation, including both fur and fat. For example, during periods of extreme cold (below -20°C), the Djungarian hamster adopts a characteristic hunched posture, with its head and forepaws tucked under its belly, and fluffs its fur evenly, increasing its insulating quality. A laboratory experiment showed Campbell's dwarf hamster can resist temperatures as low as -31.8 °C (-25.2 °F), where the Djungarian hamster can withstand temperatures as low as -44.7 °C (-48.5 °F). Adaptations like these, along with their high reproductive rates, may allow these species to survive in the wild in Alaska.

Golden hamsters (*Mesocricetus auratus*) are currently on the “clean list”, but are now listed as vulnerable by the International Union for Conservation of Nature. This species has a small range and is restricted to a small, fragmented area on the Turkish/Syrian border. Their natural habitat is different than that of *Phodopus* sp., making them unlikely to colonize in the wild in Alaska.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. There is perhaps some risk to native species due to the possibility of *Phodopus* sp. surviving in the wild and the threat they may pose to native small mammal populations. However, given their ubiquity outside Alaska, it is likely that these pets are already in the state at this time and will continue to arrive with families unaware of the state’s “clean list” or unaware of the genus of their hamster. Differentiating between species of *Phodopus* can be difficult and adopting only some species within the genus is not recommended.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties. Approval of this proposal is not expected to result in additional costs to the department.

PROPOSAL 149- 5 AAC 92.041. Transport, harboring or release of live Muridae rodents prohibited.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Clarify when *Muridae* rodents are allowed as pets, and when an emergency permit may be issued to allow un-caged rodents to enter the state due to extreme circumstances.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.029. Permit for processing live game (a)...

(a) Except as otherwise provided in this chapter, or in AS 16, no person may possess, import, release, export, or assist in importing, releasing, or exporting, live game, unless the person holds a possession permit issued by the department.

(b) The following species, not including a hybrid of a game animal and a species listed in this subsection, may be possessed, imported, exported, bought, sold, or traded without a permit from the department but may not be released into the wild:

| Common Name | Scientific Name |
|--|---|
| ... | |
| White rat | <i>Rattus norvegicus</i> Var. <i>albinus</i> |
| Mice: white, waltzing, singing, shaker, piebald | <i>Mus musculus</i> Var. |
| Fat - tailed gerbil | <i>Pachyuromys duprasi</i> |
| Gerbil | <i>Gerbillus</i> spp. |
| ... | |

5 AAC 92.141. Transport, harboring, or release of live Muridae rodents prohibited. (a) It is unlawful for the owner or operator of a vessel, vehicle, aircraft, structure being translocated, or other means of conveyance to knowingly or unknowingly transport or harbor live Muridae rodents, or to enter this state, including the waters of this state, while knowingly or unknowingly transporting or harboring live Muridae rodents.

(b) It is unlawful for an individual to release to the wild a live Muridae rodent.

(c) It is unlawful for the owner or operator of a facility to knowingly or unknowingly harbor live Muridae rodents. The owner or operator of a harbor, port, airport, or food processing facility in which live Muridae rodents have been found shall develop and implement an ongoing rodent response and eradication or control plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Regulations 5 AAC 92.141(a) and 5 AAC 92.029(b) will no longer conflict regarding pets, and the department will have clear authority to permit, import, and transport un-caged *Muridae* rodents when it is in the public’s interest.

BACKGROUND: Regulation 5 AAC 92.141(a), which prohibits harboring or transporting all live *Muridae* rodents, conflicts with regulation 5 AAC 92.029(b), which allows possession, importing, transporting, breeding and commerce with some *Muridae* rodent species, including varieties of the European house mouse, albino Norway rats, and gerbils. This conflict results in confusion for pet owners and dealers, law enforcement agencies, and shippers—including airlines and the Alaska Marine Highway System—over the legality of importing and possessing *Muridae* rodents that may be legally possessed under 5 AAC 92.029(b).

Regulation 5 AAC 92.141 also lacks a provision authorizing the commissioner to issue a permit to import, harbor, or transport live un-caged *Muridae* rodents when it is in the public’s interest to do so. In 2011, the lack of a permitting provision resulted in confusion when the U.S. Coast

Guard seized the vessel *Bangun Perkasa* for illegally fishing in the North Pacific. A boarding party determined the vessel harbored uncaged rats. Weather at the time was predicted to become rough and there were concerns for the vessel's seaworthiness, so the Coast Guard planned to escort the vessel to a sheltered anchorage in or near Unalaska/Dutch Harbor. Prior to entering state waters, the Coast Guard learned of the prohibition against importing uncaged rats in 5 AAC 92.141 and contacted the Department of Fish and Game (department) for permission to do so. Without clear permitting authority, the department first needed to ask the Department of Law if we had legal authority to approve entry. Eventually the Department of Law determined that the department had sufficient statutory authority, and the commissioner authorized the Coast Guard to bring the vessel into state waters, subject to a rat control plan approved by stakeholders. Providing authority in this regulation will clarify the commissioner's authority to issue permits.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal to clarify which *Muridae* rodent species are allowed as pets, and to provide permitting authority in emergency situations.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties. Approval of this proposal is not expected to result in additional costs to the department.

PROPOSAL 150- 5 AAC 92.030. Possession of wolf and wild cat hybrids prohibited.

PROPOSED BY: Alaska Wildlife Troopers.

WHAT WOULD THE PROPOSAL DO? Clarify the regulation prohibiting possession of a wolf or wolf hybrids.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.029. Permit for possessing live game.

(a) Except as otherwise provided in this chapter, or in AS 16, no person may possess, import, release, export, or assist in importing, releasing, or exporting, live game, unless the person holds a possession permit issued by the department.

5 AAC 92.030. Possession of wolf and wild cat hybrids prohibited. (a) It is unlawful, without a permit issued by the department, for a person to possess, transport, sell, advertise or otherwise offer for sale, purchase, or offer to purchase a wolf hybrid.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal is adopted, the regulation would clearly state that it is unlawful to possess, transport, sell, advertise or otherwise offer for sale, purchase, or offer to purchase both a wolf and a wolf hybrid.

BACKGROUND: 5 AAC 92.029 prohibits possession, importation, release, exportation, or assisting in importing, releasing, or exporting, live game (including wolves or wolf hybrids), without a permit. 5 AAC 92.030 has the additional prohibitions of transporting, selling,

advertising or otherwise offering for sale, purchasing, or offering to purchase a wolf hybrid. However, the language in 5 AAC 92.030 appears to apply to transactions only involving wolf hybrids, and not wolves. It is unclear whether a wolf can be transported, sold, or advertised for sale. For example, under existing regulations, if a person advertises or offers to purchase a wolf, and it cannot be proved that anyone actually represented it as a pure wolf instead of a hybrid, the sale is not explicitly prohibited in regulation.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal since it will clarify the existing regulation prohibiting possession of a wolf or wolf hybrids.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties. Approval of this proposal is not expected to result in additional costs to the department.

PROPOSAL 151 – 5 AAC 92.013. Migratory bird hunting guide services.

PROPOSED BY: Sea Ducks Unlimited Inc.

WHAT WOULD THE PROPOSAL DO? This proposal requires migratory bird hunting guides to maintain logbooks that would contain records of all sea ducks (including goldeneyes) harvested by clients, guides, and assistant guides during the season. The logbook would also include the species, sex, and number of harvested birds; the names, addresses, and phone numbers of all clients; a map showing where the guide operated; the number, species and gender of birds shot but not recovered; and the name, address, and phone number of any business affiliated with the guide during guiding operations (e.g., water taxis, lodges, outfitters). All information would be reported to the Department of Fish and Game (department) no later than March 1 following the hunting season closure.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 092.013. Migratory bird hunting guide services** requires migratory bird hunting guides to register with the department and carry on their person during guiding activities a migratory bird hunting guide registration card for the current year. Recording and reporting harvest and client information is not required; however, voluntary harvest questionnaires have been sent to guides since 2009.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the proposal would require migratory bird hunting guides to record and report annual sea duck (including goldeneyes) harvest and client information to the department. If not reported before March 1 following the hunting season closure, the guide will not be eligible to purchase a hunting license, or register as a migratory bird hunting guide the following year.

BACKGROUND: 5 AAC 92.013. *Migratory Bird Hunting Guide Services* was adopted by the Board of Game in 2002. Prior to adoption there was no registration requirement for persons offering guiding services for migratory bird hunting. The lack of information on the identity, number, location, and activity of commercial migratory bird guides prevented the department from: 1) monitoring the level of hunting effort and harvest activity in local areas where organized or commercial guiding may have a significant effect; 2) providing biological, educational, and management information to guides to promote management objectives; and 3)

obtaining information from guides and clients on the status of waterfowl populations, environmental conditions, hunter success, and harvest management concerns (e.g., user conflicts, regulation changes). At that time, management concerns had developed about the nature and effect of guiding operations focused on sea ducks, brant, and dusky Canada geese, as well as concerns about guiding in some local areas. As a secondary issue, the public had no source of information on available guiding services for migratory birds. Voluntary harvest questionnaires have been sent to guides since 2009.

Neither 5 AAC 92.013 nor the federal framework require migratory bird hunting guides to record and report bird harvest or client information. Harvest rates for all migratory bird hunters are currently derived by the federally-administered mail survey called the Harvest Information Program (HIP). Species and age composition in the harvest is determined by the Federal Parts Collection Survey in which a subsample of HIP hunters are asked to collect wings (ducks) and tail feathers (geese) from birds they harvest and mail them to a central repository for analysis within each flyway. Guides and clients may be chosen for these stratified surveys.

The number of migratory bird hunting guides who register annually with the state (n = 105–170) and report that migratory bird hunting is a major part of their guide service is small (22%–30%), and a small proportion of those do not guide waterfowl hunters annually. Some guides voluntarily report harvest. In 2009, voluntary harvest reported by 41 guides (out of 49 who hunted) was less than 2.5% of the total Alaska harvest (HIP estimate) and guides accounted for less than 4% of active hunters.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. It is not necessary for sustained yield management at this time.

Although the federal surveys have their inherited weaknesses, especially in a geographically large state with a relatively small number of waterfowl hunters, the department would not gain much additional insight into the harvest of sea ducks that could be useful in management and regulatory decisions by requiring guides to record and report their harvest. The number of guides who register and report is small; thus, any harvest reported by guides would represent a small proportion of the total harvest. The department is currently investigating methods of estimating sea duck harvest in regions where hunting pressure may be greater (i.e., close to large municipalities with road access).

COST ANALYSIS: Adoption of this proposal would result in a slight increased cost to migratory bird hunting guides, to record and report information, and to the department, to administer online data retrieval, entry, and analysis.

PROPOSAL 152 – 5 AAC 92.990. Definitions.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? This proposal will change the salvage requirements of all wild fowl to include all the edible portions currently required for big game animals.

WHAT ARE THE CURRENT REGULATIONS? Currently, only the breast meat of wild fowl is required to be salvaged (5 AAC 92.990(a)(17), 5 AAC 92.990(a)(49)). While not a regulatory requirement, the department’s *Migratory Bird Hunting Regulations Summary* encourages the use of all edible meat.

5 AAC 92.220. Salvage of game meat, furs, and hides

...

(d) A person taking game not listed in (a) of this section shall salvage for human consumption all edible meat, as defined in 5 AAC 92.990. In addition,

...

5 AAC 92.990. Definitions. (a)

...

(17) "edible meat" means, in the case of a big game animal, except a black bear, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and the meat along the backbone between the front and hindquarters; in the case of a black bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

...

(49) "salvage" means to transport the edible meat, heart, liver, kidneys, head skull, or hide, as required by statute or regulation, of a game animal or wild fowl to the location where the edible meat, heart, liver, or kidneys will be consumed by humans or processed for human consumption in order to save or prevent the edible meat, heart, liver, kidneys from waste and the head, skull, or hide will be put to human use;

...

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would add other portions of wild fowl to the current salvage requirement of "meat of the breast." People who harvest wild fowl would be subject to stricter salvage requirements. To be enforceable, the definition of "edible meat" would need to be changed so that it can be referenced properly in the "salvage of game meat" regulation (5 AAC 92.990(d)). Additionally, the definition of "edible meat" as it appears in 5 AAC 92.990(17) would require changes that reflect the differences between wild fowl and big game anatomy.

BACKGROUND: How a person uses different parts of wild fowl species can vary considerably. Salvage regulations have been applied to all game meat, including wild fowl, on a statewide basis to establish minimum standards to ensure responsible use of game animals. Federal regulations (CFR 50 §20.25 *Wanton waste of migratory game birds*) do not specifically address salvage of "edible meat," but are currently in review.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal since it does not affect sustained yield management capabilities. The department views this as a topic best addressed by the Department of Public Safety. While the department encourages the salvage of

all edible meat, this proposal may not be practicable for all species and we have no information to support whether this regulatory change will serve its intended purpose.

COST ANALYSIS: We do not anticipate this will result in any additional costs to private parties or the department.

PROPOSAL 153 – 5 AAC 92.990 Definitions.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? This proposal would include “hindquarter” in the definition of edible meat for wild fowl, and modify the definition of “hindquarter” for wild fowl to include the pelvis.

WHAT ARE THE CURRENT REGULATIONS? Currently, “hindquarter” is not included in the definition of edible meat for wild fowl. The “hindquarter” requirement is specified in regulations related to salvage of game meat for human consumption and the definition of “edible meat”.

5 AAC 92.220. Salvage of game meat, furs, and hides

...

(d) A person taking game not listed in (a) of this section shall salvage for human consumption all edible meat, as defined in 5 AAC 92.990. In addition,

...

5 AAC 92.990. Definitions

...

(17) "edible meat" means, in the case of a big game animal, except a black bear, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and the meat along the backbone between the front and hindquarters; in the case of a black bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

...

(56) "hindquarter" means the hind leg, excluding the pelvis.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would add other portions of wild fowl to the current salvage requirement of “meat of the breast.” People who harvest wild fowl would be subject to stricter salvage requirements. To be enforceable, the definitions of “edible meat” and “hindquarter” would need to be changed so that it can be referenced properly in the salvage of game meat regulation (5 AAC 92.990(d)).

BACKGROUND: How a person uses different parts of wild fowl species can vary considerably. Salvage regulations have been applied to all game meat, including wild fowl, on a statewide basis to establish minimum standards to ensure responsible use of game animals. Federal

regulations (CFR 50 §20.25 Wanton waste of migratory game birds) do not specifically address salvage of “edible meat,” but are currently in review.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities. The department views this as a topic best addressed by the Department of Public Safety. While the department encourages the salvage of all edible meat, this proposal may not be practicable for all species and we have no information to support whether this regulatory change will serve its intended purpose.

COST ANALYSIS: We do not anticipate this will result in any additional costs to private parties or the department.

PROPOSAL 154 – 5 AAC 92.990 Definitions.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? This proposal would add wild fowl that have been salvaged in a certain way to the definition of “trophy”. The proposal would add “after all edible meat has been salvaged” to the definition of “trophy.” The intent appears to be to delineate wild fowl taken as a trophy from wild fowl taken as food, and to add a responsibility to salvage edible meat.

WHAT ARE THE CURRENT REGULATIONS? Wild fowl are not included in the definition of “trophy” at 5 AAC 92.990(42), nor is the wording “after all edible meat has been salvaged.” However, the salvage requirement is already specified in regulations related to salvage of game meat for human consumption and the definition of “edible meat.”

5 AAC 92.990. Definitions

(42) "trophy" means a mount of a big game animal including the skin of the head (cape) or the entire skin, in a lifelike representation of the animal, including a lifelike representation made from any part of a big game animal; "trophy" also includes a "European mount" in which the horns or antlers and the skull or a portion of the skull are mounted for display;

...

5 AAC 92.220. Salvage of game meat, furs, and hides

(d) A person taking game not listed in (a) of this section shall salvage for human consumption all edible meat, as defined in 5 AAC 92.990. In addition,

...

5 AAC 92.990. Definitions

(17) "edible meat" means, in the case of a big game animal, except a black bear, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and the meat along the backbone between the front and hindquarters; in the case of a black bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include meat of the head, meat that

has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

...

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The adoption of this proposal would not alter the existing state requirements for salvage. Salvage regulations have been applied to all game meat, including wild fowl, on a statewide basis to establish minimum standards to ensure responsible use of game animals. There is no distinction in salvage requirements if a bird has been taken as a trophy.

BACKGROUND: Federal regulations (CFR 50 §20.25 *Wanton waste of migratory game birds*) do not specifically address salvage of “edible meat,” but are currently in review. Migratory game birds can be delivered to a taxidermist with no specific salvage requirements. Under federal regulation Subpart C– *Taking*, §20.25(c) *Wanton waste of migratory game birds* states that no person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at the place where taken or between that place and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility and;

Subpart B– *Definitions*, §20.11 (e) ”migratory bird preservation facility” means:

- (1) Any person who, at their residence or place of business and for hire or other consideration; or
- (2) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or
- (3) Any hunting club which, in the normal course of operations; receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage or shipment.

Under the provisions of 50 CFR §20 Subpart E a person may lawfully transport (ship) migratory birds to a migratory bird preservation facility anywhere within the United States.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal since it does not affect sustained yield management capabilities.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties or the department.

PROPOSAL 155 – 5 AAC 92.990 Definitions.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? This proposal would change the definition of possession of migratory game birds to reduce the potential number of birds in possession to no

more than one day's bag limit, would specify when birds were out of possession, and would require certain parts of the bird to remain attached.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 92.990 (71)

(A) defines “possession limit” for *migratory game birds* as the maximum number of lawfully taken migratory game birds of a single species or designated aggregate of species that may be possessed by any one person in any specified geographic area for which a possession limit is prescribed.

(B) defines “possession limit” for *resident game birds* as whole birds or the edible meat of game birds, excluding those that are canned, frozen, smoked, dried or otherwise processed for human consumption after a 15 day period.

The state regulation addressing possession limits of migratory game birds is consistent with federal regulations at 50 CFR Subpart D–§20.33 *Possession limit*: No person shall possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies.

Identification during transport is addressed only in federal regulations 50 CFR Subpart E– § 20.43. *Species identification requirement*: No person shall transport within the United States any migratory game birds, except doves and band-tailed pigeons (*Columba fasciata*), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

Removal of migratory game birds from possession (termination of possession) is also defined only in federal regulations, under 50 CFR Subpart D–§20.39. *Termination of possession*: Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the hunter.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal modifies the definition of “possession limit” for migratory game birds to make it more restrictive. In general, the proposal attempts to control harvest by making it more difficult for an individual to legally reduce the number of possessed birds via gifting or processing, resulting in a potentially lower legal harvest in current or future hunting seasons. The proposal would make processed birds (canned, frozen, smoked, dried, or otherwise processed for human consumption) part of the possession limit for migratory birds, which would be in contradiction to 5 AAC 92.990(71)(B) for resident birds. The proposal would make gifted birds count towards an individual's daily bag limit under state law, as they currently do under federal law (50 CFR §20.40), although the proposer may have intended for gifted birds to count against possession limits. The proposal also requires unspecified license information be attached to gifted birds; and it requires a feathered wing or head be attached during transport. The latter is consistent with federal transport regulations (50 CFR §20.43).

BACKGROUND: The proposer suggests that the definition of “possession limit” for migratory game birds needs clarification and further distinction from the definition of “possession limit” for resident game birds. Daily bag limit regulations are established to limit or control harvest while possession limit regulations are primarily for law enforcement purposes. Possession limit regulations help deter (and enforce) over-bag limit violations, especially in the field, and encourage hunter compliance. Possession limits do not control harvest very well because the potential take is unlimited due to federal regulations that allow gifting and disposal of unused birds. Regulations are recognizably complex, can be confusing, and are enforceable only in limited circumstances. For these reasons both the U.S. Fish and Wildlife Service and the Canadian Wildlife Service are reviewing the concept of possession, wanton waste, and the range of regulatory options.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. However, the proposal lacks clarity and has not identified a need to modify possession limit regulations to further control harvest. The department recommends not making any changes until a federal regulatory review process is completed.

COST ANALYSIS: We do not anticipate this will result in any additional costs to private parties or the department.

PROPOSAL 156 – 5 AAC 92.990. Definitions.

PROPOSED BY: Pioneer Alaska Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to modify the definition of “processed for human consumption” to address meat spoilage and waste.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.990. Definitions. (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(54) "processed for human consumption" means prepared for immediate consumption or prepared in such a manner, and in an existing state of preservation, as to be fit for human consumption after a 15-day period;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the regulations would more clearly state that meat must not be allowed to spoil, rot or go to waste.

BACKGROUND: The proposal states a high percentage game meat is being wasted due to improper care by hunters, and that stronger language in the definition will alert hunters of the need to reduce waste and of the danger of meat not properly cared for.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal since it does not affect sustained yield management capabilities.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 157 – 5 AAC 92.990. Definitions.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to modify the definition of “salvage” by providing instructions on how to prevent meat spoilage. It is unclear if the proposal is requiring all edible meat to be preserved, rather than eaten fresh.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.990. Definitions. (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(49) "salvage" means to transport the edible meat, heart, liver, kidneys, head, skull, or hide, as required by statute or regulation, of a game animal or wild fowl to the location where the edible meat, heart, liver, or kidneys, will be consumed by humans or processed for human consumption in order to save or prevent the edible meat, heart, liver, or kidneys, from waste, and the head, skull or hide will be put to human use;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would require that edible meat must be cooled and protected from heat sources so that it does not spoil, rot, or go to waste.

BACKGROUND: The proposal states that a high percentage of game meat is being wasted due to improper care by hunters and that stronger language in the definition of salvage will alert hunters of the need to reduce waste and to the danger of meat not properly cared for.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 158 – 5 AAC 92.990. Definitions.

PROPOSED BY: Adam Lammers.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to align the definition of the “edible meat” of a brown bear with that of a black bear.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.990. Definitions. (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(17) "edible meat" means, in the case of a big game animal, except a black bear, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius - ulna (knee), hindquarters as far as the distal joint of the tibia - fibula (hock), and the meat along the backbone between the front and hindquarters; in the case of a black bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal will align the definition of the edible meat of a brown bear with that of a black bear. This will help clear confusion regarding what is required to be salvaged, depending on which type of bear is harvested.

BACKGROUND: Currently, the edible meat of a black bear is defined as the meat of the front quarters, hindquarters, and meat along the backbone (backstrap). The edible meat of a brown bear is expanded beyond that to match ungulates, which includes not only the meat of the front quarters (as far as the distal joint of the radius-ulna, or knee), hindquarters (as far as the distal joint of the tibia-fibula or hock), meat along the backbone (backstrap), but also the meat of the ribs, neck, and brisket. Until recently, the only places where brown bear meat was required to be salvaged was under was under the conditions of a subsistence registration permit in portions of Units 9, 17, 18, 19, 21, 22, 23, 24, and 26, and in those cases the differing definitions did not create confusion among hunters, because the hunters were typically only hunting brown bears not both black and brown bears.

DEPARTMENT COMMENTS: The department **SUPPORTS** efforts to reduce the complexity of bear salvage requirements and submitted a similar proposal (Proposal 160). The department is **NEUTRAL** regarding specific salvage requirements.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 159 – 5 AAC 92.220. Salvage of game meat, furs, and hides.

PROPOSED BY: Joel Doner.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to remove the meat salvage requirement for brown bears taken over bait.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.220. Salvage of game meat, furs, and hides. (a) Subject to additional requirements in 5 AAC 84 - 5 AAC 85, a person taking game shall salvage the following parts for human use:

...

(5) all edible meat of a brown bear taken under a subsistence registration permit in Unit 9(B), all drainages in Unit 9(E) that drain into the Pacific Ocean between Cape Kumliun and the border of Unit 9(D) and Unit 9(E), Unit 17, Unit 18, that portion of Units 19(A) and 19(B) downstream of and including the Aniak River drainage, Unit 21(D), Unit 22, Unit 23, Unit 24, and Unit 26(A) shall be salvaged for human consumption; salvage of the hide or skull is optional; all edible meat of a brown bear taken under a permit issued under 5 AAC 92.044 in Units 7, 12, 13(D), 15, 16, 20(C), 20(E), and 21(D) shall be salvaged;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, hunters will no longer be required to salvage the edible meat of brown bears taken at bait stations.

BACKGROUND: Currently, brown bears are allowed to be harvested at black bear bait stations, under a permit issued under 5 AAC 92.044, for Units 7, 12, 13(D), 15, 16, 20(C), 20(E), and 21(D), and hunters must salvage the edible meat of those brown bears. The only other time hunters are required to salvage the edible meat of brown bears is under the conditions of a subsistence registration permit in portions of Units 9, 17, 18, 19, 21, 22, 23, 24, and 26.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 160 – 5 AAC 92.990(a)(17). Definition of edible meat.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to align the definition of “edible meat” of a brown bear with that of a black bear.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 92.990. Definitions.** (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(17) "edible meat" means, in the case of a big game animal, except a black bear, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius - ulna (knee), hindquarters as far as the distal joint of the tibia - fibula (hock), and the meat along the backbone between the front and hindquarters; in the case of a black bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal will align the definition of the edible meat of a brown bear with that of a black bear. This will align the meat salvage requirements for both black and brown bears.

BACKGROUND: Currently, the edible meat of a black bear is defined as the meat of the front quarters, hindquarters, and meat along the backbone (backstrap). The edible meat of a brown bear is expanded beyond that to match ungulates, which includes not only the meat of the front quarters (as far as the distal joint of the radius-ulna or knee), hindquarters (as far as the distal joint of the tibia-fibula or hock), meat along the backbone (backstrap), but also the meat of the ribs, neck, and brisket. Until recently the only areas where brown bear meat was required to be salvaged was under the conditions of a subsistence registration permit in portions of Units 9, 17, 18, 19, 21, 22, 23, 24, and 26.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this effort to reduce the complexity of bear salvage requirements but is **NEUTRAL** relative to specific parts to be salvaged.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 161 – 5 AAC 92.990(a)(17). Definition of edible meat.

PROPOSED BY: Smokey Don Duncan.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to align the definition of “edible meat” of a brown bear with that of a black bear.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.990. Definitions. (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(17) "edible meat" means, in the case of a big game animal, except a black bear, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius - ulna (knee), hindquarters as far as the distal joint of the tibia - fibula (hock), and the meat along the backbone between the front and hindquarters; in the case of a black bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal will align the definition of the edible meat of a brown bear with that of a black bear. This will help clear confusion regarding what is required to be salvaged, depending on which type of bear is harvested.

BACKGROUND: Currently, the edible meat of a black bear is defined as the meat of the front quarters, hindquarters, and meat along the backbone (backstrap). The edible meat of a brown bear is expanded beyond that to match ungulates, which includes not only the meat of the front quarters (as far as the distal joint of the radius-ulna or knee), hindquarters (as far as the distal joint of the tibia-fibula or hock), meat along the backbone (backstrap), but also the meat of the ribs, neck, and brisket. Until recently, the only places where brown bear meat was required to be salvaged was under the conditions of a subsistence registration permit in portions of Units 9, 17, 18, 19, 21, 22, 23, 24, and 26, and in those cases the differing definitions did not create confusion among hunters, because the hunters were typically only hunting brown bears, not both black and brown bears.

DEPARTMENT COMMENTS: The department **SUPPORTS** this effort to reduce the complexity of bear salvage requirements but is **NEUTRAL** relative to the specific parts to be salvaged because it does not present a conservation concern.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 162 – 5 AAC 92.230. Feeding of Game.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to clarify that brown bears can be taken over bait under the conditions of a permit issued under 5 AAC 92.044.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.230. Feeding of game. Except as provided in (b) of this section or under the terms of a permit issued by the department, a person may not

(1) negligently feed a moose, deer, elk, sheep, bear, wolf, coyote, fox, wolverine, or deleterious exotic wildlife, or negligently leave human food, animal food, mineral supplements, or garbage in a manner that attracts these animals;

(2) intentionally feed a moose, deer, elk, sheep, bear, wolf, coyote, fox, wolverine, or deleterious exotic wildlife, or intentionally leave human food, animal food, mineral supplements, or garbage in a manner that attracts these animals.

(b) The prohibitions described in (a) of this section do not apply to the use of bait for trapping furbearers or deleterious exotic wildlife, or hunting black bears under 5 AAC 92.044, or hunting wolf, fox, or wolverine with bait as described under 5 AAC 92.210, and elsewhere under 5 AAC 84 – 5 AAC 92.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal will clarify that brown bears can be taken over bait under the conditions of a permit issued under 5 AAC 92.044.

BACKGROUND: In 2012, the Board of Game (board) allowed the take of brown bears at bait stations but did not change 5 AAC 92.230 to allow those practices. The result is two conflicting regulations. By changing this regulation to match the board’s intent the two will no longer be in conflict.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal because it reconciles conflicting regulations.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 163 – 5 AAC 92.990(4). **Definitions.**

PROPOSED BY: Smokey Don Duncan.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to clarify that it would be allowable to use, as bait, the meat and bones of bears that are not required to be salvaged.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.210 Game as animal food or bait. A person may not use game as food for a dog or furbearer, or as bait, except for the following:

...

(2) parts of legally taken animals that are not required to be salvaged as edible meat, if the parts are moved from the kill site;

(3) the skinned carcass of a bear, furbearer, or fur animal, after salvage as required under 5 AAC 92.220;

...

5 AAC 92.990. Definitions. (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(4) "bait" means any material excluding scent lures, that is placed to attract an animal by its sense of smell or taste; "bait" does not include those parts of legally taken animals that are not required to be salvaged as edible meat if the parts are not moved from the kill site;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, there would be no effect because there would be no change to what is currently allowed in regulation. What the proposal asks to do is already covered in 5 AAC 92.210. *Game as animal food or bait*, and in 5 AAC 92.990(a)(4), which states that parts of legally taken animals that are not required to be salvaged as edible meat can be used as bait if removed from the kill site.

BACKGROUND: Once any part of an animal has been removed from the kill site, even if the parts that are removed are not required to be salvaged, any part of the animal that is placed back in the field as an attractant is considered bait. This proposal seeks to make bear meat (both black and brown) that is not required to be salvaged legal to move from the kill site, then placed back

in the field, and used as bait. Current regulations already allow for this practice, as long as there is an open baiting season.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 164 5 AAC 92.106. Intensive management of identified big game prey populations.

PROPOSED BY: Ronald West and Paul Joslin.

WHAT WOULD THE PROPOSAL DO? Require the department to produce an annual report compiling all information concerning each predation control area in the state. The report would:

- 1) define the goal and justification for predator management/predator control/intensive management in each site-specific area;
- 2) identify the annual financial cost of predator management/predator control for each area. This should fully indicate all costs borne by the state (fixed wing aircraft, helicopter, staff time providing permits directly associated with the program, meeting costs, printing costs, advertising, law enforcement);
- 3) include a quantitative assessment of the scale of reduction in predator numbers and increases in prey numbers by species;
- 4) include a cost/benefit analysis: i.e., approximate value in dollars created through prey number increases versus costs of doing predator control;
- 5) include, for each area, how well the program ensured that predators, as well as prey, were being maintained on a sustained yield basis; and
- 6) state the cumulative effects of predator control on the predators in the subject unit/subunit/management area and any change in the means and methods of hunting/trapping.

WHAT ARE THE CURRENT REGULATIONS?

In each intensive management plan currently adopted by the Board of Game (board):

(B) annually the department shall, to the extent practicable, provide to the board a report of program activities conducted during the preceding 12 months, including implementation activities, the status of caribou and wolf populations, and recommendations for changes, if necessary to achieve the objectives of the plan;

BACKGROUND:

The department adopted an Intensive Management Protocol in 2011 (http://www.adfg.alaska.gov/static/home/about/management/wildlifemanagement/intensivemanagement/pdfs/intensive_management_protocol.pdf). The protocol specifies guidelines and principles which prescribe specific reports prior to and during the implementation of Intensive Management programs. These reports include annual interim (August) and final (February) reports, which are posted on the department web site and presented to the board (<http://www.adfg.alaska.gov/index.cfm?adfg=intensivemanagement.programs>).

These reports include most of the information requested in this proposal. The notable exception is a cost-benefit analysis. The department considered including cost-benefit analyses in annual reports. However, cost-benefit analyses require considerable expertise to quantify economic and non-economic benefits from these programs. Non-economic benefits—such as an increase in opportunity to hunt—are especially difficult to quantify in economic terms. The department does not possess that expertise, nor could we expect everyone to agree with methods used in those evaluations. As an alternative, the department opted for annual, transparent reporting of real costs associated with the programs. Reporting these data and quantifiable program results allow interested parties to evaluate the cost-benefits of these programs as they see fit.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties. Approval of this proposal would result in significant additional cost to the department to prepare annual cost-benefit analyses for each Intensive Management program.

PROPOSAL 165 – 5 AAC 92.116. Special provisions in predator control areas.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to remove subsection (a) of 5 AAC 92.116 because the regulation is no longer necessary.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.116. Special provisions in predation control areas.

- (a) For black bears taken in an active predation control area,
 - (1) the department will issue permits allowing hunters to sell untanned hides, with claws attached, and skulls after sealing as required in 5 AAC 92.165;
 - (2) a hunter who has been airborne may take or assist in taking a black bear with the use of bait or scent lures under a permit issued by the department, if the hunter is at least 300 feet from the airplane at the time of taking.

...

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted this proposal will repeal subsection (a) of 5 AAC 92.116. There will be no effect because the regulation is obsolete.

BACKGROUND: Subsection (a)(1) was made obsolete when the Board of Game allowed the sale of untanned hides, with claws attached, and skulls after sealing, under general hunting regulations. Subsection (a)(2), which allows hunters who have been airborne to take black bears at bait stations the same day they have flown, provided the hunter is at least 300 feet from the airplane at the time of take, is currently covered under general hunting regulations in 5 AAC 92.044. The result of both of these actions is a piece of regulation that is no longer necessary.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal because it deletes an obsolete regulation.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 166 – 5 AAC 92.990(xx). Definitions.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to establish a definition of “transporter” for small game hunting purposes.

WHAT ARE THE CURRENT REGULATIONS? The Board of Game (board) does not have a definition of transporter because the board has no authority over transporters; the board instead adopts by reference Title 8 statutes that address transporter licenses and the definition of “transportation services.” Those statutes are as follows: *(Please note, the department referred to is the Department of Commerce, Community, and Economic Development and the board referred to is the Big Game Commercial Services Board.)*

08.54.650. Transporter license. (a) A person is entitled to a transporter license if the person

- (1) applies for a transporter license on a form provided by the department; and
- (2) pays the license application fee and the license fee.

(b) A transporter may provide transportation services and accommodations to big game hunters in the field at a permanent lodge, house, or cabin owned by the transporter or on a boat with permanent living quarters located on salt water. A transporter may not provide big game hunting services without holding the appropriate license.

(c) A transporter shall provide an annual activity report on a form provided by the department. An activity report must contain all information required by the board by regulation.

08.54.790. Definitions. In this chapter

...

(12) “transportation services” means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; “transportation services” does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

(A) on nonstop flights between airports listed in the Alaska supplement to the Airmen’s Guide published by the Federal Aviation Administration; or

(B) by an air taxi operator or air carrier for which the carriage of big game hunters, their equipment, or big game animals harvested by hunters is only an incidental portion of its

business; in this subparagraph, “incidental” means transportation provided to a big game hunter by an air taxi operator or air carrier who does not

(i) charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters; or

(ii) advertise transportation services or big game hunting services to the public; in this sub-paragraph, “advertise” means soliciting big game hunters to be customers of an air taxi operator or air carrier for the purpose of providing air transportation to, from, or in the field through the use of print or electronic media, including advertising at trade shows, or the use of hunt broker services or other promotional services.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted the board will have its own definition of “transporter” which would apply to those engaged in transportation services for small game hunters.

BACKGROUND: The Big Game Commercial Services Board and its regulations address only commercial guiding, outfitting, and transportation services for big game. The Board of Game has regulations that apply to professional migratory bird hunting guides (5 AAC 92.013) but that regulation does not specifically mention “transporters” in respect to migratory bird guides.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities; however, the department is concerned about confusion that may occur by adopting a different definition of “transporter” for small game than already exists for big game. If the board adopts this proposal it should be clear in regulation that the definition is only for commercial small game hunting services. One possible way to ease the confusion would be to change the title of 5 AAC 92.013 from *Migratory bird hunting guide services* to *Small game hunting guide services*, and to put the definition of “transporter” under that section and not in 5 AAC 92.990.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 167 – 5 AAC 92.990(xx). Definitions.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to establish a definition for “guide” and “assistant guide”.

WHAT ARE THE CURRENT REGULATIONS? The Board of Game (board) has a definition of “migratory bird hunting guide” and “migratory bird hunting guide services”:

5 AAC 92.013. Migratory bird hunting guide services.

...

(c) For purposes of this section,

(1) “migratory bird hunting guide” means a person who provides migratory bird hunting guide services;

(2) “migratory bird hunting guide services” means to assist, for compensation or with the intent to receive compensation, a migratory bird hunter to take or attempt to take migratory birds by accompanying or personally directing the hunter in migratory bird hunting activities;

(3) “person” includes a business entity.

The board does not have a definition for guide or assistant guide as they pertain to small game. The board also does not have a definition of those terms as they pertain to big game, because the board has no authority over big game guides: the board instead adopts by reference Title 8 statutes that address guide and assistant guide licenses and the definition of “guide.” Those statutes are as follows: *(Please note, the department referred to is the Department of Commerce, Community, and Economic Development and the board is the Big Game Commercial Services Board.)*

08.54.610. Registered guide-outfitter license.

08.54.620. Class-A assistant guide license.

08.54.630. Assistant guide license.

08.54.790. Definitions. In this chapter

...

(3) “big game hunting services” means a service for which the provider of the service must obtain a registered guide-outfitter, class-A assistant guide, or assistant guide license; “big game hunting service” includes guiding services and outfitting services;

(9) “guide” means to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment, or facilities to a big game hunter in the field by a person who accompanies or is present with the big game hunter in the field either personally or through an assistant, in this paragraph, “services” includes

(A) contracting to guide or outfit big game hunts;

(B) stalking, pursuing, tracking, killing, or attempting to kill big game;

(C) packing, preparing, salvaging, or caring for meat, except that which is required to properly and safely load the meat on the mode of transportation being used by a transporter;

(D) field preparation of trophies, including skinning and caping;

(E) selling, leasing, or renting goods when the transaction occurs in the field;

(F) using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter; an

(G) providing camping or hunting equipment or supplies that are already located in the field;

(11) “outfit” means to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities, excluding the provision of accommodations by a person described in AS 08.54.785, to a big game hunter in the field, by a person who neither accompanies nor is present with the big game hunter in the field either personally or by an assistant;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the board will have its own definition of guide and assistant guide. Presumably, the definitions would apply to those engaged in guiding services for small game hunters, because big game hunters and migratory bird hunters are already addressed in other existing regulations.

BACKGROUND: The Big Game Commercial Services Board and its regulations address only guiding, outfitting, and transportation services for big game. The Board of Game has regulations that address migratory bird hunting guides (5 AAC 92.013) that define “migratory bird hunting guide” and “migratory bird hunting guide services.” The board adopted that regulation in 2002 and at that time decided that all those involved in providing guiding services for migratory birds must be registered with the department. The 2002 board did not differentiate between guides and assistant guides.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities. However, the department is concerned about what, if any, confusion may occur by adopting a definition of guide and assistant guide for small game that is different from the one that already exists for migratory birds and for big game. If the board adopts this proposal and defines these terms for small game hunting purposes, the regulation should clearly state that the definitions are only for small game so as to ease confusion. One way to ease the confusion would be to change the title of 5 AAC 92.013 from *Migratory bird hunting guide services* to *Small game hunting guide services* and to put the definitions under that section and not in 5 AAC 92.990.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 168 – 5 AAC 92.990. Definitions.

PROPOSED BY: Alaska Wildlife Troopers.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to establish a definition for “brow palm”.

WHAT ARE THE CURRENT REGULATIONS? There is no current definition for brow palm in regulation. The brow palm is referenced in the definition of brow tine, but the brow palm itself is not defined.

5 AAC 92.990. Definitions. (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(8) “brow tine” means a tine emerging from the first branch or brow palm on the main beam of a moose antler; the brow palm is separated from the main palm by a wide bay; a tine originating in or after this bay is not a brow tine;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the regulation will aid in determining legal moose in antler restricted hunts.

BACKGROUND: Currently, brow tines are defined as a tine emerging from the first branch or brow palm on the main beam of a moose antler; the brow palm is separated from the main palm by a wide bay; a tine originating in or after this bay is not a brow tine. In some cases moose have antlers that make it difficult to determine exactly where the first branch or brow palm ends

and the main palm begins. In those cases it can be difficult to determine the actual number of brow tines.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities. The department supports efforts to clarify the regulations but has struggled to develop an improved definition for first branch or brow palm.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 169 – 5 AAC 92.990(xx). Definitions.

PROPOSED BY: Alaska Wildlife Troopers.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to establish a definition for “broken” as it pertains to full-curl sheep horns.

WHAT ARE THE CURRENT REGULATIONS? Currently, “broken” is not defined; however, it is mentioned in the definition of “full curl horn”.

5 AAC 92.990. Definitions. (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(19) "full-curl horn" of a male (ram) Dall sheep means that

(A) the tip of at least one horn has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or

(B) both horns are broken, or

(C) the sheep is at least eight years of age as determined by horn growth annuli;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the department, enforcement, and the public will have a definition of “broken” which will aid in determining a legal ram in a full curl hunt.

BACKGROUND: In instances where the Board of Game (board) has not defined a term, the common definition is used instead. The common definition of broken is “separated into parts or pieces by being hit, damaged, etc.” Department records indicate that 727–812 sheep were sealed from 2009–2012. Preliminary analyses indicate that 6–8 of those sheep were legal due to “both horns broken.”

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities. The department supports definitions that are specific enough for hunters and enforcement to be comfortable using them to judge legal

sheep. If an improved definition of broken cannot be developed, the board could consider eliminating sheep with both horns broken as legal animals in hunts with horn restrictions.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 170 – 5 AAC 92.990. Definitions.

PROPOSED BY: Tony Russ.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to modify the definition of “full-curl horn” to aid in determining if a sheep is legal.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 92.990. Definitions.** (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(19) "full - curl horn" of a male (ram) Dall sheep means that

(A) the tip of at least one horn has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or

(B) both horns are broken, or

(C) the sheep is a least eight years of age as determined by horn growth annuli;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, there will be a second option for determining if sheep horns form a full 360-degree circle. In addition to 5 AAC 92.990(19)(A), the proposal seeks to add “or the tip of at least one horn has grown through the plane of the bridge of the nose, as viewed from the side, and determined using the Department of Fish and Game’s standardized ‘sheep horn jig’”.

BACKGROUND: According to the proposal, there are discrepancies in how sealers determine full curl sheep horns. This leads to frustration among hunters and negatively influences potential hunters from getting involved in sheep hunting.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities. The biological impacts of reducing the age and size of rams available post-harvest for breeding has long been debated. This proposal would substantially increase the proportion of sheep that are legal thus reducing the number of “large” rams surviving through the rut. This would result in shortened seasons or other restrictions in some areas and will undoubtedly generate numerous proposals related to hunter preferences for sheep seasons and bag limits.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties. The department does not have a standard “sheep horn jig” and would need to provide these at locations where sheep are sealed.

PROPOSAL 171 – 5 AAC 92.990. Definitions.

PROPOSED BY: Tony Russ.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to add provisions to the definition of “full curl horn” that state all sheep harvests would be legal sheep harvests unless 1) the department changed or modified its method of determining a full curl, and 2) that the method would be in specific communication formats.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 92.990. Definitions.** (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(19) "full - curl horn" of a male (ram) Dall sheep means that

(A) the tip of at least one horn has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or

(B) both horns are broken, or

(C) the sheep is a least eight years of age as determined by horn growth annuli;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted all sheep harvests would be legal harvests until such a time revised methods for determining full curl would be adopted and published. Rather than allowing those sealing the ram to use their judgment to determine legality, this proposal would eliminate the sealing officer’s determination.

BACKGROUND: According to the proposal, many sheep hunters are frustrated by the methods employed by sealers to determine if sheep are full curl or not. This proposal seeks to adopt a regulation that will automatically make the sheep legal if the sealer cannot easily determine it to be legal. The Alaska Board of Game (board) adopted some “any ram” hunts with no horn restrictions in 2007 in part to provide opportunity for hunters who are not comfortable judging full curl under the current definition. The department and law enforcement officials have often addressed this issue in the past. To date, no better methods of determining full curl have been developed.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as written because the bag limit would be one ram until the department changes or modifies its method of determining full curl. Harvests under current seasons would not be sustainable.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.

PROPOSAL 172 – 5 AAC 92.990. Definitions.

PROPOSED BY: Alaska Wildlife Alliance.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to remove black bears from furbearer classification.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 92.990. Definitions.** (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(21) "furbearer" means a beaver, black bear, coyote, arctic fox, red fox, lynx, fisher, marten, mink, least weasel, short-tailed weasel, muskrat, land otter, red squirrel, flying squirrel, ground squirrel, Alaskan marmot, hoary marmot, woodchuck, wolf, or wolverine; "furbearer" is a classification of animals subject to taking with a trapping license;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, black bears will no longer be classified as furbearers. There will be no change to the harvest of black bears by adopting this proposal because there have been no trapping seasons established since black bears were classified as furbearers. The Alaska Board of Game (board) would have to re-classify black bears as furbearers if they wish to establish trapping seasons in the future.

BACKGROUND: Black bears were classified as furbearers in March of 2010. No bag limits and no seasons have been established for black bears as furbearers. All bag limits and seasons for black bears are for hunting. Eliminating black bears as furbearers will not prohibit snaring in predator control areas because the provision for allowing bears to be snared under predator control is contained within the predator control plans.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities.

COST ANALYSIS: Approval of this proposal is potentially expected to result in a loss of revenue to private parties and is not expected to result in an additional cost to the department.

PROPOSAL 173 – 5 AAC 92.990. Definitions.

PROPOSED BY: Alaskan Bowhunters Association.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to modify the definition of “bag limit” and define “mortally wounded”.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 92.990. Definitions.** (a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise.

...

(3) "bag limit" means the maximum number of animals of any one game species a person may take in a unit or portion of a unit in which the taking occurs; an animal disturbed in the course of legal hunting does not count toward a bag limit;

The Board of Game (board) has not established a definition of mortally wounded, however, relative to bag limit the board does have a definition of wounded:

5 AAC 92.130. Restriction to bag limit.

...

(h) In this subsection, "wounded" means there is sign of blood or other sign that the animal has been hit by a hunting projectile.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal will change the definition of bag limit to specifically exclude the word "take" because the definition of "take" is extremely broad.

In AS 16.05.940(34), "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

If adopted, the proposal will also create a definition of "mortally wounded" to mean "an animal struck with a hunting projectile which dies as a direct result of being struck with the hunting projectile." It is unclear which units and which species would be affected.

BACKGROUND: There are two sections of regulation that prohibit hunters from continuing to hunt once they have wounded an animal. In Units 1-5 and 8, a wounded black or brown bear counts against the person's bag limit for the remainder of the regulatory year; and in Unit 8 a wounded elk counts against the person's bag limit for the remainder of the regulatory year. In the rest of the state, hunters are strongly encouraged to make every reasonable effort to retrieve and salvage wounded game.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not affect sustained yield management capabilities.

COST ANALYSIS: Approval of this proposal is not expected to result in additional cost to private parties or the department.

PROPOSAL 174 - 5 AAC 92.037. Permits for falconry.

PROPOSED BY: American Falconry Conservancy.

WHAT WOULD THE PROPOSAL DO? This proposal would allow nonresidents to take (capture a flighted bird or remove it from the nest as a nestling) wild raptors for falconry. The proponents request an annual nonresident take of 22 birds, which would be limited to: three gyrfalcons, three Peale's peregrine falcons, two anatum peregrine falcons, two tundra peregrine

falcons, three merlins, three northern goshawks, three red-tailed hawks and three sharp-shinned hawks.

A lottery (drawing permit) system would be adopted limiting the numbers and species, along with various GMU and other take restrictions.

WHAT ARE THE CURRENT REGULATIONS? Under state regulation, take of wild raptors for falconry is only permitted for residents.

Under state and federal regulations, temporary and/or permanent export of wild-caught raptors held under falconry and propagation permits is allowed by the department and other entities. The few resident falconers who transport raptors to the lower 48 states during the fall hunting season understand the various permitting and transport requirements. For nonresidents, export of wild-caught raptors to their home state will likely be as, or more, complex; in addition, if the nonresident falconer desires to transport raptors through Canada, permitting may be difficult.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: *Biological effect* - The sustained yield effects of this magnitude of nonresident take on species such as gyrfalcons, peregrine falcons, merlins, northern goshawks and other raptors is so small that it is not measurable at the population level.

Administrative and other effects - The resident impact, administrative, practical, financial, and permitting effects of developing a system for nonresident take could be substantial.

1. Resident falconers could find themselves competing with nonresident falconers to take highly coveted species (gyrfalcon) at known eyries (nests) and locales (Nome road system).
2. Depending on the system developed, department administration of permits to nonresidents could be very burdensome and costly, depending on biologist oversight, number of permits, and number of permit conditions.
3. There are safety, access, cost, and logistics considerations with unguided nonresidents taking a raptor from a cliff or trapping a raptor during the fall migration in remote Alaska.
4. User conflicts may result if resident falconers fly to Nome, for example, and the eyrie has already been harvested.
5. State, federal, and other permits to export raptors and CITES-listed species (Convention on International Trade for Endangered Species) across international borders may prove difficult for the falconer.

BACKGROUND: The state of Alaska supports many raptor species that are typically found in their natural state. Aside from potential issues on some species' wintering grounds (e.g., contaminants, habitat change), nearly all of Alaska has intact raptor populations that are fully functional parts of the ecosystem.

Peregrine falcons have been delisted from the Endangered Species Act and their populations in Alaska seem to be functioning at pre-DDT levels. A take is allowed under federal U.S. Fish and Wildlife (USFWS) regulations, and some states, such as Texas, allow a take of migrant peregrine falcons, some of which originate in Alaska.

Most bird-of-prey species present in Alaska are of little or no interest to nonresident falconers. However, take of wild gyrfalcons may have high or very high interest across the globe.

Alaska is the only state with nesting gyrfalcons. This is a very highly desirable species for use in falconry, both in the U.S. and in countries such as Saudi Arabia, Bahrain, United Arab Emirates, and some European countries. Take of gyrfalcons is highly restricted worldwide and many gyrfalcons used in falconry come from captive breeding populations. There is known illegal international trafficking of gyrfalcons. For example, a banded gyrfalcon that was born in Alaska was subsequently captured in Russia, and trafficked to an Arabian country for use in falconry.

Prior to 2013, states' management of falconry was accomplished through co-management and co-permitting with the federal government. Today, USFWS no longer co-permits and the only permit necessary is a state permit. However, the USFWS still retains oversight, and, in 2012, the Alaska Board of Game (board) reworked falconry regulations in concert with the department and Alaska falconers to meet federal compliance. Alaska's falconry program has been approved by the USFWS. Federal oversight allows for a nonresident take.

Many states with approved falconry regulations allow for a nonresident take. Approaches vary widely and some states have reciprocity agreements whereby take is allowed for nonresidents in a given state if the other state makes a similar allowance.

The proponents suggested a \$200 permit fee, similar to a big game tag fee. Tag fees must be developed and approved through the legislative process.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it is an allocation issue.

COST ANALYSIS: Approval of this proposal may result in an additional direct cost for a private person to participate in this activity, if a permit fee is approved by the legislature. In addition, costs for nonresident falconers to come to Alaska to acquire a bird might be similar to a remote Alaska big game hunt. Nonresident falconers may also have to make more than one trip to Alaska, to locate nests or trapping sites, and then to acquire the bird at the proper time, which could further increase their cost.

Approval of this proposal is expected to result in additional costs to the department:

- a) The program will need to be thoroughly designed, including the design of the drawing take/hunt areas, species, numbers, and so forth. Assuming that the current drawing hunt software programs are used to manage the permits, some aspects of the software will require a design specific to take for falconry. Some type of in-person reporting requirement will likely also be required.
- b) The department will also have to consider how much training and/or expertise should be developed to assist nonresidents. The department will also have to determine how much assistance will be provided about other non-department permitting requirements, such as air cargo and veterinary certificates of health, export/import permitting with the falconers' states of residence, and potential CITES permitting.
- c) There will likely be high initial interest in the permitting, logistics, and probability of nonresident take. Therefore, the department would need to develop an outreach plan and associated materials to respond to the numerous requests and questions.

PROPOSAL 175-5AAC 98.005. Areas of jurisdiction for antlerless moose seasons.

PROPOSED BY: Department of Fish and Game (department) at the request of the Board of Game.

WHAT WOULD THE PROPOSAL DO? This proposal provides an opportunity for the Board of Game (board) to review advisory committee (AC) jurisdiction in antlerless moose hunts throughout the state.

WHAT ARE THE CURRENT REGULATIONS?

AS 16.05.780. Taking of antlerless moose prohibited. (a) The taking of antlerless moose in any game management unit or subunit or a portion of a unit or subunit is prohibited except that antlerless moose may be taken only under regulations adopted under (b) of this section after (1) the department recommends the season be opened in that year, based on biological evidence, and (2) a majority of active local advisory committees for that unit or subunit have recommended an opening for that year, after each has taken a vote and a majority of the members of those committees have voted in the affirmative.

(b) Pursuant to (a) of this section the board, in its regularly scheduled annual game board meeting, may adopt regulations for the taking of antlerless moose in any game management unit or subunit in any year.

5AAC 98.005. Areas of jurisdiction for antlerless moose seasons. For the purpose of implementing AS 16.05.780, antlerless moose seasons require approval by a majority of the active advisory committees located in, or the majority of whose members reside in, the affected unit or subunit. For the purpose of this section, an “active advisory committee” is a committee that holds a meeting and acts on the proposals.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Advisory committee jurisdiction would be reviewed and clarified.

BACKGROUND: The current regulation for areas of jurisdiction for AC approval of antlerless moose hunts has caused some confusion for the board, the ACs, and the public. During the 2012 Interior Region meeting, the board requested the department develop a proposal to clarify which committees have jurisdiction to approve antlerless moose hunts. The proposed language modifies the regulation so that it is consistent with the Alaska Statute 16.05.780. It also lists advisory committees located within each unit and subunit.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the jurisdiction for ACs approving antlerless moose hunts. The intent of this proposal is to provide an opportunity for ACs to comment to the board indicating which hunts they desire to have jurisdiction for approval.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs to private parties. Approval of this proposal is not expected to result in additional costs to the department.
