



RC 55

February 18, 2014

Alaska Dept. of Fish & Game
Boards Support Section
P.O. Box 115526
Juneau, AK 998115526

To Administrative Staff:

Attached are Ahtna Tene Nene' Customary & Traditional Use Committee's comments on the 2014 Statewide Proposals for the March 14-18, 2014 Alaska Board of Game meeting in Anchorage, Alaska.

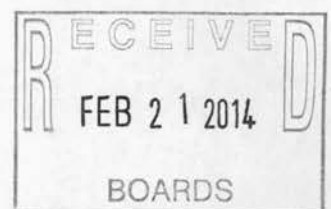
Please forward them to the directors of the Alaska Board of Game.

Sincerely,

Blonia Stickwan
for
Roy S. Ewan

Roy, S. Ewan, Chairperson

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Alaska Board of Game Statewide Meeting
Dena'ina Civic and Convention Center
March 14-18, 2014

Proposal 134 – 5 AAC 92.003. Hunter Education and orientation requirements. By the Alaska Department of Fish & Game. Provide options to align International Bowhunter Education Program requirements for all bears taken over bait by bow and arrow, statewide as follows:

Option 3-expand IBEP requirement for all bears over bait statewide:

(g) a person may not take a bear over bait with a bow and arrow unless the person has successfully completed a department-approved bow hunting course.

Comments:

Taking brown bear over black bear bait stations is allowed in Unit 13D this year. Hunters should have to take a bow hunting course approved by the Department; they should be required to have an IBEP certification. Safety of hunters using bow and arrow to take brown/black bears over bait station is needed for the hunters and public at large, who may be in field for recreational purposes or out fishing and hunting.

Proposal 135 – 5 AAC 92. 019. Taking of big game for certain religious ceremonies. By the Alaska Department of Fish & Game. Specify game taken for certain religious ceremonies is to be used within this state as follows:

5 AAC 92. 019. Taking big game for certain religious ceremonies. (a). The hunting and taking of game species have a positive finding in 5 AAC 99.025, outside the seasons or bag limits established in 5 AAC 85, for use **within Alaska** 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.

Comments:

We support Proposal 135 to aligning the regulations for use of game for cultural purposes and for religious ceremonies to be consistent relative to limiting use within the state. This is a house cleaning proposal to ensure both regulations are consistent. Use of game at potlaches is important food source to feed hundreds of people that attend one to honor a deceased person. Limiting it to the state will aide in preventing abuse of the system and clarify regulations.

Proposal 136 – 5 AAC 92.990. Definitions. By Al Barrette. Establish definitions for subsistence hunting and subsistence uses as follows:

General hunt means: a hunt that is regulated in a nonsubsistence area; a regulated hunt that lays outside a nonsubsistence area and the game being taken does not have a positive finding of customary and traditional (C&T); when the harvestable surplus is above the maximum amount necessary for subsistence (ANS) and the board has determined other uses can exist; nonresident opportunity.

Comments:

We oppose Proposal 135 to add a definition for General Hunt. At the last Joint Boards of Fisheries and Game meeting, the Joints Boards updated subsistence hunting regulations. Subsistence hunting clarifies

what subsistence hunt means. General Hunt in 5 AA 85 refers to a hunt that is not a subsistence hunt during the relevant open season. In nonsubsistence areas, there are only General Hunts, subsistence hunts cannot occur in nonsubsistence areas. A General Hunt is not a subsistence hunt. Some permit hunts may be subsistence hunts, such as community subsistence permit hunt or Tier I and Tier II registration hunts. The Board of Game defines what subsistence hunt and General Hunt is, and another definition is not warranted. General Season Hunt definition is defined in the handy dandy. General Hunt and General Season Hunts are interchangeable words and have the same meaning. General Hunt does not have a definite spelled out meaning, but it is understood in its contextual meaning.

Proposal 137 – 5 AAC 92.990. Definitions. By Ed Sarten, Alaska Food Policy Council. Establish definition hunting and subsistence uses as follows:

The Board of Game (board) should adopt definitions under 5 AAC 92.990 for both “subsistence hunting” and “subsistence uses” consistent with the Alaska State Constitution (Article 8, Section 3) regarding common use of public wildfood resources.

Comments:

We oppose Proposal 137, the Joint Boards of Fisheries & Game updated regulations on subsistence hunting and subsistence uses at their meeting on October 12-16, 2013.

Proposal 138 – 5 AAC 92.XXX. New Section. By Ed Sarten, Alaska Food Policy Council. Establish emergency subsistence moose hunt procedures as follows

Allow so many moose to be harvested in each village for emergency subsistence hunts, according to village population and moose population (to be determined); moose to be divided and distributed by authorities.

Comments:

We support Proposal 138 with an amendment to allow local advisory committees to make determinations on emergency subsistence moose hunts, with local emergency authorities salvaging and distributing edible and nonedible parts of moose. Local advisory committee know their regions better than the Alaska Board of Game, and will be more suited to hold an emergency meeting for an emergency subsistence hunt, AC's will be able to consult with local biologist on moose quota, and work with local emergency authorities to distribute moose parts and meat.

Advisory Committees are already allowed to make decisions on antlerless moose hunts. An additional emergency subsistence moose hunt could also be added to their roles and responsibilities.

Proposal 139 – 5 AAC 92.010. Harvest tickets and reports. By Al Barrette. Remove the harvest ticket requirement and require harvest reports for certain non-permit hunts as follows:

Comments:

We oppose Proposal 139 to remove the harvest ticket requirement and require harvest reports for certain non-permit hunts. Hunters may not write their harvest report number on the back of their hunting license. Furthermore, hunters, who have permanent year around hunting license, will not be able to write a harvest report number on the back of their hunting license.

Getting rid of harvest tickets will not ensure that a harvest report is filled out and returned to the Department of Fish & Game. It isn't that difficult to tear out the month and date of harvest of species harvested.

Enforcement will have a difficult time doing their jobs to enforce laws, if harvest tickets are removed. They will not be able to see the harvest report numbers on harvest tickets, or be able to tell when the wildlife game was harvested.

Proposal 140 - 5 AAC 92.010. Harvest tickets and reports. By Alaska Outdoor Council. Require each harvest report or permit to specify whether the hunt was conducted to provide a wildfood harvest for subsistence uses or for recreational values as follows:

5 AAC 92.010. Harvest tickets and reports. Add the requirement to specify on each harvest report or permit whether the hunt was conducted to provide a wildfood harvest for subsistence uses or for recreational values.

Comments:

We oppose Proposal 140 to require each harvest report or permit to specify whether the hunt was conducted to provide a wildfood harvest for subsistence uses or for recreational values. The Department would have to expend funds to add this requirement on permit and harvest tickets, which would be an added cost; the Alaska Board of Game does not have the authority over the Department's budget.

Subsistence Division uses all available data, to write up reports write up for ANS analysis. The information provided by Subsistence Division is inclusive and informative for the Alaska Board of Game to make decisions on allocation and amounts necessary for subsistence uses.

A similar proposal and discussion was brought up at the Joint Boards of Fisheries & Game meeting on October 2013, both Boards determined that Subsistence Division was providing sufficient information for them to make decisions on ANS, and allocations and 8 criteria.

Proposal 141 – 5 AAC 92. 012. Licenses and Tags. By Alaska Wildlife Troopers. Specify where locking tags are to be affixed as follows:

5 AAC 92. 012(E): In any hunt where a numbered, *nontransferable* locking tag is required, a person taking a 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.

Comments:

We support Proposal 141 to specify where locking tag is to be affixed. Community subsistence hunt will require a locking tag this year; Wildlife Troopers need to enforce harvest of moose and other wild game taken. Specifying a place on wild game where locking tags are to be placed will aide Wildlife Troopers in enforcing regulations.

Proposal 142 – 5 AAC 92.012. Licenses and tags. By Fairbanks Fish and Game Advisory Committee. Remove the requirement to show applicable licenses and permits to peace officers or department as follows:

5 AAC. 92.012(b) [UPON REQUEST FROM AN EMPLOYEE OF THE DEPARTMENT OR A PEACE OFFICE[R], 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.]

All persons engaged in hunting or trapping or in possession of game must show their hunting or trapping license, special permit, or stamps to any department employee or peace officer. (This mirrors what the regulation states for fishing. (5 AAC 75.005)).

Comments:

We support Proposal 142 to remove from regulations 5 AAC 92. 012(b), “or any apparatus designed to be capable or being used to take game”, and include “all persons engaged in hunting or trapping or in possession of game must show their hunting or trapping license, special permit, or stamps to any department employee or peace officer”.

A reasonable search is not defined in the regulation, neither is “or any apparatus designed to be capable or being used to take game”. What justifies a Peace Officer to conduct a “reasonable” search without a search warrant isn’t explained in regulations. A Peace Officer could suspect a hunter for a violation and possibly conduct a search of a hunter’s personal property. What is meant by “any apparatus used for hunting” could include anything from a vehicle, ATC, or guns, shells, etc. Regulations do not define “apparatus, a Peace Officer has the discretion to decide what “apparatus” he/she can search for. This regulation impinges upon a hunter’s civil rights as a citizen of the State of Alaska.

Proposal 152 – 5 AAC 92.990. Definitions. By Alaskan Pioneer Fisheries Inc. Modify the definition of edible meat for wildfowl as follows:

(17) “edible meat” means, in the case of **wildfowl** or 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 back bone (backstrap); [IN THE CASE OF WILD FOWL, THE MEAT OF THE BREAST;] however, “edible meat” of big game or water 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 result of boning or a close trimming of the bones, or viscera;

Comments:

We support Proposal 152 to change the definition for edible meat for water fowl. Definition should also include pelvis. Breast meat is not the only meat on water fowl. The definition of edible meat should be expanded as worded in this proposal. Water fowl meat is wasted by hunters, who are legally required to only harvest the breast meat. Good soup could be made.

Proposal 153 – 5 AAC 92.990. Definitions. By Alaskan Pioneer Fisheries Inc. Modify the definition of hindquarter for wildfowl as follows:

(56) “hindquarter” means the hind leg, excluding the pelvis, **unless wildfowl to include pelvis:**

Comments:

See comments under Proposal 152.

Proposal 154 – 5 AAC 92.990. Definitions. By Alaskan Pioneer Fisheries Inc. Modify the definition of trophy to include salvage of edible meat, and to include wildfowl as follows:

(42) “trophy” means **after all edible meat has been salvaged**, a mount of a big game animal, **or wildfowl**, 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;

Comments:

No comments. Salvage requirements already include wanton waste of water fowl.

Proposal 155 - 5 AAC 92.990. Definitions. By Alaskan Pioneer Fisheries Inc. Modify the definition of possession limit for migratory birds as follows:

(71) “possession limit”

(A) **A prescribed possession limit for migratory game birds in a person’s custody includes those that are canned, frozen, smoked, dried or otherwise processed for human consumption. It is no more than the cumulative days bag limit, of a species or designated aggregate of species in a specified geographic area.**

Removal of waterfowl or other migratory birds, from possession limit can occur only when consumed or gifted before commencing hunting. Gifted birds count against daily limit total and requires your name and license information to be attached to the bird except if you gift the bird at someone’s residence.

All birds in possession require that a feathered wing or head be attached during transport to processed condition or your home freezer.

Comments:

We oppose Proposal 155 to modify definition of possession limit for migratory birds. There are regulations already in place for migratory birds’ bag limits, daily possession limit, and proxy hunting for another person. Regulations do not need to be changed.

Proposal 156 – 5 AAC 92.990. Definitions. By Alaskan Pioneer Fisheries Inc. Modify the definition of processed for human consumption as follows:

(54) “processed for human consumption” means prepared for immediate consumption or [PREPARED] **preserved** in such as manner, [AND IN AN EXISTING STATE OF PRESERVATION], **to prevent edible meat from spoiling, rotting, or going to waste**, as to be fit for human consumption after [15] day period.

Comments:

We oppose Proposal 156 to re-define “Processed for human consumption” the present definition in (54) is an adequate definition and does not need to be changed to include “prevent edible meat from spoiling, rotting or going to waste” and eliminating the 15 day period. Regulations for care of meat, salvage requirement, and wanton waste are already in place. Regulations in place are adequate, these regulation covers protection of wild game and water fowl from being wasted and processed for human consumption.

Proposal 157 – 5 AAC 92.990. Definitions. By Alaskan Pioneer Fisheries Inc. Modify the definition of salvage as follows:

(49) “salvage” means to transport in a cool a temperature, as quickly as possible and protected from any heat source the freshly killed edible meat, skull, hide, as required by statute or regulation, of a game or wild fowl to the location where the edible meat will be [CONSUMED BY HUMANS OR] processed for human consumption in order to [SAVE] preserve or prevent the edible meat from spoil, rotting or going to waste, until consumed by humans, and the skull or hide will be put to human use;

Comments

See comments under Proposal 156.

Proposal 158 – 5 AAC 92.990. Definition. By Adam Lammers. Modify the definition of edible meat for brown bear as follows:

(17) “edible meat” means, in the case of a big game animal, except bears, 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; 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;

Comments:

We support Proposal 158 modify the definition of edible meat for brown bear as written in this proposal. The same definition used for black bears should apply to brown/grizzly bears as well to avoid confusion in salvage requirements for brown/grizzly and black bears.

Proposal 162 – Feeding of game. By Alaska Department of Fish and Game. Clarify that brown bear can be taken over bait under the conditions of a permit issued under 5 AAC 92.044 as follows:

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 them 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 are 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.

Comments:

We support Proposal 162. This proposal is a house cleaning proposal to align regulation - 5 AAC 92.230 with regulation - 5 AAC982.044. Both regulations will be clarified and in sync.

Proposal 163 – 5 AAC 92.990(4). Definitions. By Smokey Don Duncan. Allow the use of bear meat and bones not required to be salvaged as bait as follows:

...except bear (black, brown or grizzly) meat that is not required to be salvaged may be moved from the kill site and used as bait.

Comments:

We support Proposal 163 to all the black and brown/grizzly meat that is not required to be salvaged to use as bait. Unused bear meat and bone will not be wasted. Hunters who kill bears with bait stations will have bait meat to use to attract bears. In Unit 13D, taking brown bears with bait station is allowed; this will help to kill more bears. Black and brown bear population is not a conservation concern.

Proposal 164 – 5 AAC 92.106. Intensive management of identified big game prey populations. By Ronald West and Paul Joslin. Require the department to compile a yearly predator management/predator control report as follows:

Comments:

We oppose Proposal 164 to require the department to write detailed reports on predator management/predator control/intensive management for each site, unit, subunit, annual financial reports, cost/benefit, and the annual population of prey and predator species. Alaska Board of Game does not have the authority to tell the department how to manage their budget. The Board cannot approve of proposals that would expend funds of the department. Writing a detailed report such as this would most certainly require that funds be set aside to gather this costly amount of information, time and effort.

Proposal 165 – 5 AAC 92.116(a). Special provisions in predation control areas. By Alaska Department of Fish & Game. Remove the requirement for the Department of Fish and Game to issue permits to sell untanned hides with claws attached and skulls of black bears taken in active predator control areas. In addition, remove the section that allows hunters who have been airborne to harvest a black bear over bait in active predator control areas, since this is now allowed under general baiting seasons in most areas as follows:

5 AA 92.116. Special provisions in predation control areas. (a) repealed.

Comments:

We support Proposal 165 to remove the requirement that ADF&G issue permits to sell untanned hides with claws attached and skulls of black bears in active predator control areas. This is a house cleaning proposal that is unnecessary.

Proposal 166 – 5 AAC 92.990. Definitions. By Pioneer Alaskan Fisheries Inc. Establish a definition for transportation as follows:

() Transporter means; Air taxis; water taxis, fishing charter outfitters; combo hunting/fishing outfitters; captains of private boats; and lodges;

A business or affiliated business, that assists hunters; transports hunters; personally directs hunters in hunting activities and either waits for these clients as they hunt or drops them off and returns to pick up them up; for compensation, or with the intent or receive compensation, to a specified destination, by land, air or sea.

Comments:

We oppose Proposal 166 to establish a definition for transporter in 5 AAC 92.990. Sec 08.54.650 of AS 08.54.710 states, "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". Changing the definition to personally directing hunters in hunting activities allows the transporter to aide his/her client to harvest wild game and fish. This will make it impossible for enforcement to enforce, if a transporter can "personally direct hunters in hunting/fishing activities.

Proposal 167 5 AAC 92. 990 Definitions. By Poineer Alaskan Fisheries Inc. Establish a definition for guide and "assistant guide as follows:

Guide and assistant guide means those present, assisting or directing during the hunting activity for compensation that are not paying client.

Comments:

We oppose Proposal 167. Sec. 08.54. 620. Class A assistant guide license is the regulation which spells out the requirements to get an assistant's license. Additionally, the Big Game Commercials Services Board administers guiding and regulating the activities of big game commercial activities.

Proposal 168 5 AAC 92.990. Definitions. By Alaska Wildlife Troopers. Establish a definition for "brow palm" as follows:

Define the term "brow palm" as it pertains to the taking of a legal moose in a restricted antler moose hunt. The terms "point", "tine", "brow tine", "moose antler" and "naturally shed antler" are currently defined. Since "brow tines" originate from the "brow palm", it would be appropriate to define this term.

Comments:

We are neutral on Proposal 168. Wildlife State Troopers are trying to define "brow palm" so that a legal definition will be in regulations. Enforcement of regulations of a moose harvested by the antlers being defined will aide Wildlife State Troopers in the field.

Proposal 173 – 5 AAC 92.990. Definitions. By Alaskan Bowhunters Associations. Modify the definition for bag limit and define mortally wounded as follows:

- (3) Bag limit means the maximum number of animals of any one game species a person may **harvest (kill and reduce to his possession)**. Animals disturbed in the course of legal hunting do not count toward the bag limit. **Animals known to be mortally wounded and lost may count against the bag limit for certain species and in certain units.**

The definition of "mortally wounded" should be **An animal struck with a hunting projectile which dies as a direct result of being struck with the hunting projectile.**

Comments:

We support Proposal 173 to modify the definition for bag limit and to define mortally wounded. Wounded game species should be counted against a hunter's bag limit. Mortally wounded animals eventually may die, if not found by the hunter. Wild game will be left in the field to rot, while the hunter attempts to hunt and shoot another animal. Too many animals are shot and left in the field.

Proposal 175 – 5 AAC 98.005 By Department of Fish and Game. Review and determine the advisory committees that have jurisdiction for approving antlerless moose hunts as follows:

5 AAC 98.005 Areas of jurisdiction for antlerless moose seasons. For the purpose of implementing As16.05.780, antlerless moose seasons require approval by a majority of the active local advisory committees **for** [LOCATED IN] **that unit or subunit** [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. **The following advisory committees have jurisdiction over antlerless moose hunts in the units and subunits in this section:**

The advisory committees (ACs) located within the subunits and units for the purpose of authorizing antlerless moose hunts area.

Hunt Area By Subunit	Committee Name	Committee Location
Unit 11	Copper Basin Tok/Cutoff/Nabesna	Unit
Unit 12	Upper Tanana Fortymile	Unit
Unit 13A	Tok/Cutoff/Nabesna Copper Basin Denali Paxson	Unit Unit Unit Unit
Unit 13B	Tok/Cutoff/Nabesna Copper Basin Denali Paxson	Unit Unit Unit Unit
Unit 13C	Tok/Cutoff/Nabesna Copper Basin Denali Paxson	Unit Unit Unit Unit
Unit 13D	Tok/Cutoff/Nabesna Copper Basin Denali Paxson	Unit Unit Unit Unit

Unit 13E	Tok/Cutoff/Nabesna	Unit
	Copper Basin	Unit
	Denali	Unit
	Paxson	Unit
Unit 20A	Middle Nenana	Subunit
	Minto/Nenana	Subunit
	Fairbanks	Unit
	Delta	Unit
	Eagle	Unit
	Tanana-Rampart-Manley	Unit
	Upper Tanana/40-Mile	Unit
	Lake Minchumina	Unit
Unit 20C	Middle Nenana	Subunit
	Lake Minchumina	Subunit
	Tanana-Rampart-Manley	Unit
	Fairbanks	Unit
	Eagle	Unit
	Delta	Unit
	Upper Tanana/40-Mile	Unit
	Minto-Nenana	Unit

Comments:

We support Proposal 175 to include Unit 11, Unit 12 and Unit 13. Many local people from Copper Basin and Tok Cutoff/Nabesna hunt in Unit 12. The advisory committee should include these two ACs.