

**PRELIMINARY
RECOMMENDATIONS
BOARD OF GAME PROPOSALS**

January 2010

Alaska Department of Fish & Game

Division of Wildlife Conservation

The Department's recommendations are based on analysis of the proposals with available information. These recommendations may change after further analysis based on public comment or additional information.

PROPOSAL 1

EFFECT OF THE PROPOSAL: Require hunter education for anyone wanting to hunt big game with a crossbow.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The basic hunter education course curriculum would not address the issue of inadequate cross bow equipment for the taking of big game. Alaska has separate certification courses for basic hunter education, bowhunter, and muzzleloader hunters. Currently, if a younger hunter was to hunt in a mandatory hunter education GMU, they are already required to have the hunter education certificate, whether they hunt with a rifle, crossbow, bow, or shotgun.

To require special educational requirements of crossbow hunters to hunt anywhere in the State, would be inconsistent since any archer or muzzleloader hunter can hunt in any general harvest season without any special training or proof of proficiency, again, unless they are a young hunter in a mandatory hunter education GMU. Currently, the only special requirement for bowhunters is in "bowhunter only" areas. In these areas, the State requires the National Bowhunter Education Foundation card.

The issue of "inadequate crossbow equipment" is a concern. Minimum standard equipment regulations have been adopted for using bow and arrow to take big game, but this type of regulation has not been adopted for crossbows. The Department has developed draft standards, but 5 AAC 92.085, unlawful methods of taking big game, was not open for this meeting, and the proposal was being held until 2012.

PROPOSAL 2

EFFECT OF THE PROPOSAL: Eliminate black bear harvest tickets.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The proposer feels that requiring harvest tickets will reduce incidental take of black bears. The Department agrees that this requirement potentially could reduce some incidental take because hunters are now required to pick up a harvest ticket before hunting. However, most other big game species have the same requirement, harvest tickets are readily available at no cost, and the information obtained has improved management of black bear populations. The proposer also feels the harvest ticket requirement is counterproductive in areas where maximum black bear harvests are desired. In these areas, black bear baiting, sale of hides, and predation control programs can be considered in addition to general season hunts to increase take.

The Board began requiring harvest tickets in 2009 because of continued, long-term increases in black bear harvest with no concurrent knowledge of hunter effort, resident versus nonresident effort and little knowledge of hunting patterns. If this proposal is passed, registration permits may be proposed by the Department to replace harvest tickets in several units in order to obtain these data. Harvest tickets are easier to obtain and reporting requirements are more flexible than for registration permits.

Also, if this proposal is passed, the opportunity would be lost to simplify regulations and place fewer demands on hunters by not requiring sealing. The Department is proposing to uncouple the sealing requirement from the harvest ticket requirement (see proposal 3). This would allow the Board to determine, on a case-by-case basis, which units should have harvest tickets only, or both harvest tickets and sealing. The Department has submitted a proposal for the Region III Board meeting to eliminate black bear sealing in most Interior units where black bear harvest tickets are required.

PROPOSAL 3

EFFECT OF THE PROPOSAL: Housekeeping proposal to: 1) update reporting requirements, 2) clarify possession of moose, sheep, and black bear harvest reports while hunting and 3) uncouple the black bear harvest report/ticket requirement from black bear sealing.

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Staff proposal-see issue statement.

PROPOSAL 4

EFFECT OF THE PROPOSAL: Require hunters to submit harvest reports for deer.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: Deer harvest activity is currently monitored by a questionnaire sent to a random sample of individuals who obtained deer harvest tickets. Each year approximately 30-50% of all harvest ticket holders are sent surveys at the end of the season along with reminder letters to non-respondents. Mail surveys allow the Department to collect more detailed information about hunting effort and harvest of each deer. The survey results are statistically expanded on a community-level basis to give an estimate of deer kill, hunting effort, and success rates for all hunters. In addition to statistically valid harvest and effort estimates, this methodology allows detailed analysis of harvest distribution down to smaller management units like communities. Although effort and harvest estimates are obtainable via harvest tickets, questionnaire data allows us to calculate statistically valid measures of survey accuracy. The mail-out questionnaire survey was developed to address problems with harvest ticket reporting and have been used for 20 years.

PROPOSAL 5

EFFECT OF THE PROPOSAL: Lower the minimum age for a youth hunter to have an individual bag limit from 10 years to 8 years old.

DEPARTMENT RECOMMENDATION: **NO RECOMMENDATION**

RATIONALE: The proposal is an allocation among age groups for big game hunting. The current standard age limit of 10 years for big game hunting has been in regulation for 8 years, and is generally accepted and understood by the public. This proposal as written would lower that minimum age to 8.

Existing regulations that relate to youth hunting:

- Allow hunters younger than 10 to hunt other game, such as small game and fur animals.
- Allow hunters younger than 10 to hunt big game, under the direct, immediate supervision of a licensed adult, with the animal counting as the adult's bag limit.
- Allow all young hunters 10 years old and older to have their own bag limit in all big game hunts, after obtaining the necessary harvest tickets or permits.
- Allow young hunters 10-17 who have successfully completed hunter education, to hunt on behalf of permit holders in all permit hunts.

The Department repeatedly hears concerns about the complexity of the hunting regulations in Alaska, and is strongly committed to encouraging the development of young hunters. The Department's Hunter and Information Training Program certifies over 3,000 new students each year. The program does not require a minimum age to take the Basic Hunter Education course, however, students under the age of 10 have some difficulty in the course, particularly with shooting proficiency because of physical development.

PROPOSAL 6

EFFECT OF THE PROPOSAL: Housekeeping to clarify what must be presented for inspection upon request by a Department employee or peace officer of the State, and update the regulation reference for tag fee exemptions

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Staff proposal-see issue statement.

PROPOSAL 7

EFFECT OF THE PROPOSAL: Modify the proxy authorization process for beneficiaries that are permanently disabled.

DEPARTMENT RECOMMENDATION: **TAKE NO ACTION**

RATIONALE: The proposal asks for a modification of the Department’s administration of the proxy regulation. Proxy regulations are governed by AS 16.05.405. The statute allows the use of a proxy for a person with physical disabilities as defined in AS 16.05.940(26)-“A person with physical disabilities means a person who presents to the Department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the State stating that the person is at least 70 percent physically disabled.”

The statute does not require the disability to be a permanent disability and the division’s of sport fish and wildlife conservation have developed a physician’s affidavit for use by both division’s to streamline the process. Wildlife issues over a 1000 proxy permits a year, many to people who are not permanently disabled. If a hunter has written documentation that the disability is permanent, we advise them they will need to show the paperwork annually and to make copies for future use. We are unable to provide the security for such paperwork required by other agencies regulations, such as the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) act. This federal privacy rule is to assure that individuals’ health information is properly protected.

The division does not require disabled people to visit an office for obtaining a proxy. The proxy hunter can obtain everything necessary and deliver it to the beneficiary for signing, then return to the office with all the required documentation.

PROPOSAL 8

EFFECT OF THE PROPOSAL: Expand proxy hunting to include immediate family members.

DEPARTMENT RECOMMENDATION: **TAKE NO ACTION**

RATIONALE: Proxy regulations are governed by AS 16.05.405. The statute only allows the use of a proxy for a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older, regardless of relationship.

PROPOSAL 9

EFFECT OF THE PROPOSAL: Allow unspecified methods and means hunting exemptions for combat disabled veterans.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The Board has provided additional opportunity for military personnel in recent years by allowing reissue of drawing permits, transfer of Tier II permits, and establishment of new drawing hunts for disabled military in more accessible areas of the State. Expanding season dates and bags limits or designating special hunting areas for combat disabled veterans would be more appropriately addressed in individual areas under Chapter 85.

Some of the requests made in this can be accommodated under the existing methods and means exemption regulation 5 AAC 92.104. For example, where the Department has restricted hunter access (i.e. Controlled Use Areas) the Department may also issue exemptions from those restrictions. However, access to private land is controlled by the landowner/manager, and if the landowner/manager does not allow motorized access, the Department cannot issue an exemption.

Under 5 AAC 92.080(4) and (10) shooting game from a motorized vehicle is illegal unless the engine is turned off, progress from the engine’s power has ceased, land vehicles are parked in compliance with Department of Public Safety (DPS) regulations, and the hunter is off or out of the vehicle. Specific exemptions are spelled out for some species in specific areas. If the proposal’s intent is to allow hunters to shoot from vehicles parked on roads, the Department can only provide such an exemption under very specific circumstances. DPS regulations also prohibit

shooting from, along, or across roads, and ADF&G may not exempt hunters from the regulations of another agency. The Department may only issue methods and means exemptions allowing hunters to shoot from a vehicle parked on a road only when the vehicle is parked on a privately maintained road on private land.

PROPOSAL 10

EFFECT OF THE PROPOSAL: Provide a methods and means exemption to disabled individuals allowing them to take brown bears with the use of bait.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The Department does not support baiting of brown bears outside of predator control areas. Brown bear baiting is a controversial method of take that should be applied only in predator control areas where implementation plans have been adopted by the Board. These plans require thorough analysis of predator and prey populations and harvest, and assure that predators will be maintained as part of the ecosystem.

In addition, authorization for methods and means exemptions for persons with disabilities should be considered after the appropriate regulation is passed authorizing the hunting of brown bears over bait. The Board is being asked to do two things in this proposal: 1) establish the process for hunting brown bear over bait and 2) then allow it only by disabled individuals. The Department has not supported the taking of brown bear over bait except as part of a control program and does not support this proposal. However if the Board considers this proposal we recommend they amend 5AAC 92.044 or create a new regulation similar to 92.044 prior to a change in 92.104.

PROPOSAL 11

EFFECT OF THE PROPOSAL: This is a Department proposal. It would remove the words “customarily taken or used for subsistence as identified in 5 AAC 99.025” to make it clear that it is the Board’s intent to allow the taking of big game for customary and traditional Alaska Native funerary and mortuary religious ceremonies in nonsubsistence areas. The proposal would also require those taking big game outside normal seasons and bag limits in nonsubsistence areas to obtain a “ceremonial harvest report form” from a Department area office. Any small game or big game could be taken, unless the area or population has been identified by the Area Biologist as an area or population where harvest is inconsistent with sustained yield principles.

DEPARTMENT RECOMMENDATION: **AMEND AND ADOPT**

RATIONALE: Currently, 5 AAC 92.019 does not permit the taking of big game for Alaska Native funerary and mortuary religious ceremonies from a population unless a positive Customary and Traditional finding has been made by the Board for that population (5 AAC 99.025). The Board does not make findings of Customary and Traditional use for populations in nonsubsistence areas. However, after consultation with the Department of Law, ADF&G believes that excluding taking of big game for Alaska Native religious ceremonies from nonsubsistence areas may not provide Alaska Natives with a reasonable accommodation as directed by the Alaska Supreme Court (*Frank vs State of Alaska, 1979*). If after hearing evidence at this Board meeting, the Board finds that a reasonable accommodation cannot be made if Alaska Native ceremonial harvests are excluded from non subsistence areas, ADF&G recommends adopting proposal 11 as amended by proposal 11A.

In 1980 the Board found that taking of moose for use in funeral potlatch ceremonies of Athabascan people is protected by both the State and federal constitutions (BOG finding 80-27). The Board also found that constitutional protections for the use of moose in Athabascan funeral potlatch ceremonies may also apply to the taking of other game animals by non-Athabascans for use in traditional ceremonies. The Board reaffirmed these findings in 1996 and found that similar protections should apply to other big game animals (BOG finding 96-98).

It is the State’s view that customary and traditional taking of game for Alaska Native religious ceremonies is not a subsistence activity. Even if this taking is considered by some to be a subsistence activity, the Alaska Supreme Court (*Rosier vs Kenaitze Indian Tribe, 1995*), has determined that subsistence hunting can take place in nonsubsistence areas, but it cannot receive a preference and the State cannot issue subsistence permits.

For education, conservation, and enforcement reasons, the Department recommends a requirement that hunters taking game out of normal seasons in nonsubsistence areas contact an ADF&G office and obtain a “ceremonial harvest report form”. This requirement would provide an opportunity for staff to familiarize hunters with the

requirements of 92.017 and 92.019, and other similar regulations or statutes, and direct hunters to areas where additional harvest can be taken with the fewest user conflicts and the least effect on game populations. The “ceremonial harvest report form” would also protect the hunters from undue harassment from people who observe these out-of-season takings and it would simplify enforcement and save time for enforcement officers.

Proposal 11A. 5 AAC 92.019. Taking of big game for certain religious ceremonies.

(a) The hunting and taking of game [BIG GAME, CUSTOMARILY AND TRADITIONALLY TAKEN OR USED FOR SUBSISTENCE AS IDENTIFIED 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.

(b) The department shall publicize a list of game [BIG GAME] populations and areas, if any, for which the taking of game [A BIG GAME ANIMAL] would be inconsistent with sustained yield principles. **It is the hunter’s responsibility to contact ADF&T to find out which game populations and areas are excluded from taking under this regulation.**

(c) A written permit from the department is not required for taking game [BIG GAME] under this section **except a ceremonial harvest report form must be obtained from a department area office for taking of game in a non-subsistence area.**

(d) Before game [BIG GAME] is taken under this section;

(1) a tribal chief, village council president, or the chief’s or president’s designee, for the village in which the religious ceremony will be held, notify the nearest office of the department that a hunt for game [A BIG GAME ANIMAL] will take place; the notification must include the number of animals expected to be taken, and the location where the taking will occur; the tribal chief, village council president or designee must maintain records of the successful hunters and the decedents for the village or tribal ceremony, and make that information available to an authorized representative of the department upon request; the tribal chief, village council president, or designee must notify the department of the location of the kill, and the species, sex, and number of animals taken under this section as soon as practicable, but not more than 15 days after the taking of game [BIG GAME].

(2) a hunter outside of a village or tribal organized ceremony, must notify the nearest office of the department that game [A BIG GAME ANIMAL] will be harvested, the time frame when, and location where the harvest will occur, and the name of the decedent; the notification must include the hunter’s name, address, and the species of [BIG GAME ANIMAL] game to be hunted; a successful hunter must notify the department of the location of the kill, and the species, sex, and number of animals taken under this section as soon as practicable, but not more than 15 days after the taking.

(e) It is an affirmative defense to a prosecution for hunting or taking of [BIG GAME] game outside the season or bag limit restrictions established in 5 AAC 85 that:

(1) the person is an Alaska resident;

(2) the hunting or taking was authorized under this section and the meat was used in a customary and traditional Alaska Native religious ceremony; and

(3) if the person took [BIG GAME] game, the requirements of (d) of this section have been met.

PROPOSAL 12

EFFECT OF THE PROPOSAL: Although the proposal cites 5AAC 92.034 (permit to take game for cultural purposes), it appears that the proposal intends to clarify existing language in 5 AAC 92.019 that restricts taking of moose for funerary religious purposes to populations of big game animals for which the Board has established a positive C & T finding in 5 AAC 99.025.

DEPARTMENT RECOMMENDATION: **NO RECOMMENDATION**

RATIONALE: The Board does not make findings of Customary and Traditional use for game populations in nonsubsistence areas. This is a legal issue and an allocation issue. If the Board finds that allowing the taking of moose for customary and traditional Alaska Native funerary and mortuary religious ceremonies only in populations with a positive C & T finding still provides the reasonable accommodation directed by the Alaska Supreme Court in *Frank vs State of Alaska* (AK Supreme Court 1979), this becomes primarily an allocation issue.

Although there is significant competition for harvestable surpluses of big game in nonsubsistence areas, from a conservation and sustainable use perspective, the nonsubsistence areas frequently have moose populations with a larger harvestable surplus, where limited additional take, especially of cows, can be accommodated.

PROPOSAL 13:

EFFECT OF THE PROPOSAL: Proposal would remove “customarily and traditionally taken or used for subsistence” language from 5 AAC 92.019, thus allowing harvest of big game for Alaska Native funerary and mortuary religious purposes in nonsubsistence areas and other areas for which there is a negative or no C & T finding under 5 AAC 99.025.

DEPARTMENT RECOMMENDATION: **TAKE NO ACTION**

RATIONALE: See proposals 11 and 12.

PROPOSAL 14:

EFFECT OF THE PROPOSAL: The proposal would create a new regulation that establishes guidelines for taking of big game animals for Ahtna traditional potlatch ceremonies in Game Management Units 11, 12, 13, and 20A.

DEPARTMENT RECOMMENDATION: **NO RECOMMENDATION**

RATIONALE: The taking of moose for funerary religious ceremonies must be accommodated (*Frank vs State of Alaska*, Alaska Supreme Court 1979) and is already provided for under 5 AAC 92.019. This proposal suggests specific guidelines for Ahtna potlatches to improve compliance and reporting, and appears to expand eligible ceremonies beyond funerary and mortuary ceremonies now accommodated by the regulation. The Department suggests working toward a general regulation to accommodate all Alaska Native ceremonial funerary and mortuary taking to address reporting and compliance issues. ADF&G’s proposal 11 with amendment (11A) will accomplish this purpose.

PROPOSAL 15

EFFECT OF THE PROPOSAL: Add finches of the family, *Estrildidae* to the list of animals that may be legally possessed without a permit from the Department.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: As written the proposal is very broad and would add 24 genera and more than 100 species to the Clean List. The family Estrildidae is an Old World family with a natural distribution around and south of the equator in the Ethiopian, Oriental, and Australasian biogeographic regions. Most species within this family can be found in Africa. Among the best known as a cage bird are Zebra finches.

We have not investigated the conservation status of all species and whether the pet trade negatively affects wild populations. However, according to the IUCN, the family Estrildidae contains six species which are considered Near Threatened, eight which are Vulnerable, and two that have reached the status of Endangered. The reason for the decline in most of these species' numbers is complex. Several species, including the green avadavat (*Amandava formosa*), the green-faced parrotfinch (*Erythrura viridifacies*), and the Timor sparrow (*Padda fuscata*), which are all listed as Vulnerable, have suffered from habitat loss and modification in addition to trapping for the pet trade. At least four of these species are escaped or introduced to the Island of Hawaii, where there are now resident breeding populations.

Below is a general evaluation of the family against the five criteria used 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 members of this family may 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 species within this family.
- 3) Is the species capable of causing a significant reduction in the population of a species indigenous to Alaska? Unknown for the entire family; probably not a significant concern due to tropical and temperate distribution of proposed species.
- 4) Is the species capable of transmitting a disease to a species indigenous to Alaska? Unknown for the entire family; the risk of disease is probably similar to other domestic fowl. In some locations, eye infections affecting wild finches are reported in the literature.

- 5) Does the species otherwise present a threat to the health or population of a species indigenous to Alaska?
Unknown for the entire family; probably not a threat to wild species found in Alaska.

If the Board chooses to amend and adopt this proposal, we suggest evaluating individual species against the five criteria above and if found appropriate, adding individual species rather than entire families or genera to the Clean List.

PROPOSALS 16 - 18

EFFECT OF THE PROPOSAL Proposal 16 proposes to add capuchin monkeys and Proposal 17 proposes to add primates (at a minimum black-capped capuchin monkeys) to the Clean List. Proposal 18 is a Department proposal to remove chimpanzees from the list.

DEPARTMENT RECOMMENDATION FOR PROPOSALS 16 AND 17: **DO NOT ADOPT**

DEPARTMENT RECOMMENDATION FOR PROPOSAL 18: **ADOPT**

RATIONALE: These proposals all involve non-human primates. Capuchin monkeys are proposed as both pets and service animals. The Clean List does not distinguish between the two purposes and only allows private ownership of a species without a permit from the Department.

Capuchin monkeys are small (6-10 lbs.) neotropical monkeys. They are highly social living in groups of 6-40 animals, primarily vegetarian, and have a captive life span of 25-40 years. Capuchin monkeys in the U.S. are primarily bred from stock that originated in the U.S. at research facilities. They may be owned without permits in 17 states and with a license or permit and sometimes a financial bonding requirement in an additional 10 states. Nineteen states prohibit owning primates including capuchin monkeys as pets, and several states have proposed bans on ownership.

Proposals 16 and 17 may represent an effort to add monkeys to the Clean List so that breeding stock may be legally imported into Alaska before federal legislation prohibits interstate trade in primates. Federal legislation (HR 80/S. 462 Captive Primate Safety Act) is currently under consideration that would modify the Lacey Act to prohibit interstate and international trade in primates as pets. That bill passed out of the House of Representatives in February 2009 and is under consideration in the Senate.

The American Veterinary Medical Association (AVMA) has a policy against private ownership of primates as pets or service animals. Concerns listed in AVMA policy center on primates' potential to spread diseases and to injure humans and other animals and on inhumane treatment of primates in private ownership. Even small primates may be stronger than their owners, and there are hundreds of cases of captive primates seriously injuring humans. Because monkeys and other primates are closely related to humans, they can carry and transmit diseases to humans including: viruses (Herpes B Virus, HIV, Ebola, measles, influenza, rabies), parasites (giardia, malaria), and bacteria (Shigella, Salmonella, E. coli, Vibrio). There is no effective rabies vaccine for primates.

The long lifespan and social bonds formed by most primates are particular concerns because they may outlive their owners or their owner's interest or ability to have them as pets. Monkeys and other primates are also highly intelligent and have complex social needs that are unrealistic for owners to meet. Failures to meet these needs and to correctly interpret subtle behavioral cues are most often cited as reasons why pet primates attack people.

At least one charitable organization trains and donates capuchin monkeys as service animals for the disabled. Under the Americans with Disabilities Act (ADA) service animals must be allowed to accompany their owners in nearly all public settings including workplaces, stores, restaurants and other places of business and on public transportation such as busses and aircraft. The ADA does not currently list individual species that may be employed as service animals or specify training necessary to qualify as a service animal. However, in response to complaints about exotic and potentially dangerous animals being used as service animals, the U.S. Justice Department recently completed a rule making process that would eliminate many species including non-human primates as service animals. Reasons for this change center on concerns about inhumane treatment of pet monkeys and human health and safety. That rule-making process initiated under the Bush Administration is currently on hold while the Obama Administration reviews the proposed final rule.

Adding any primate to the Clean List would reverse a decades-long national and international trend in restricting private ownership of primates. Once an animal is added to the Clean List ownership, breeding, and trade in that

species is unregulated. Without permitting authority, the departments of Fish and Game and Environmental Conservation would be unable to ensure primates are appropriately cared for or responsibly handled in public and private settings. Removing chimpanzees and denying inclusion of other primates to the Clean List will help ensure the health and safety of the public and the welfare of captive primates.

PROPOSAL 19

EFFECT OF THE PROPOSAL: This proposal proposes adding a variety of exotic species including sloths, kinkajous, wallaroos, savannah cats, and surgically de-venomized (venomoid) reptiles to the Clean List. The request to add savannah cats within this proposal will be addressed with other cat proposals (20-22) below.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE:

Sloths

There are six species of sloths all native to the neotropics. They have relatively complex dietary requirements, require some specialized care, may live for 20-30 years, and are likely not suitable as pets for most people. According to the IUCN Red List two species are critically endangered, and the others are classified among species of least concern, but declining. The pet trade is among the reasons listed for decline of all sloth species. Adding sloths to the Clean List could create an additional market for the pet trade and contribute toward depletion of wild populations. Sloths are mammals that may carry and transmit rabies. There is no approved or licensed rabies vaccine for sloths.

Kinkajous

Kinkajous are nocturnal members of the *Procyonidae* (Raccoons) native to rainforests of Central and South America. In the wild they are arboreal and live on a diet of fruit and nectar. In captivity they should be fed a variety of tropical fruits and commercial monkey biscuits, require a large cage (4' x 6' x 8' recommended), and live 20-25 years. Their long lifespan and specialized dietary and care requirements would make them a poor choice as a pet for most people. Kinkajous are not endangered, but they are declining in the wild. One reason cited for the decline is the pet trade. At least one country (Honduras) has requested trade restrictions under CITES. Adding kinkajous to the Clean List could create an additional market for the pet trade and contribute toward depletion of wild populations. Kinkajous are mammals that can carry and transmit rabies, distemper, influenza and other pathogens and parasites. There are no approved or licensed vaccines (rabies vaccine being the most notable) or anthelmintics for Kinkajous.

Wallaroos

Wallaroos are marsupial macropod grazers native to tropical and subtropical Australia. They are intermediate in size between kangaroos and wallabies. Adults weigh 50-100 lbs and may live 15-20 years. Wallaroos are large, active animals that require a spacious and sturdy outdoor enclosure. In Alaska they cannot be kept outdoors year-round and would need to be confined to a heated space during colder months. They are not appropriate as pets in Alaska and should not be added to the Clean List. Wallaroos are mammals with the potential to carry and transmit rabies as well as other viruses, bacterial pathogens, and parasites that may affect domestic animals and wildlife. In addition, over 60% of all human diseases are zoonotic diseases and over 75% of emerging infectious human diseases originated from animals. There are no approved or licensed vaccines (rabies vaccine being most important) or anthelmintics for wallaroos.

Surgically De-venomized (venomoid) Reptiles

Under AS 16.05.921 venomous reptiles or their eggs may only be imported for a valid educational purpose including display in zoos or other institutions with a permit from the Department. The intent of this proposal appears to be allowing private ownership of venomoid reptiles as pets and possibly for educational purposes. Venomoid reptiles are venomous reptiles (primarily snakes) that have had their venom glands surgically removed or venom ducts severed. Conditions under which this surgery is performed vary from veterinary facilities to untrained individuals in their homes. Such unnecessary and painful surgery is considered inhumane by the American Veterinary Medical Association. Results of the surgery are inconsistent because venom glands may not be entirely removed and may regenerate. Venomoid reptiles require constant testing to ensure they are not producing venom, can still inflict deep puncture wounds, and can be bred to produce venomous offspring.

PROPOSAL 20 - 22

EFFECT OF THE PROPOSAL: These proposals would add either all hybrids or specific hybrids of wild and domestic cats to the Clean List.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE All Hybrids of Domestic and Wild Cats

Adding all domestic cat hybrids to the Clean List (Proposal 20) would include hybrids with such wild species such as the Margay (IUCN Near Threatened), the Fishing Cat (IUCN Endangered), and Rusty-spotted Cat (IUCN Vulnerable). Creating a legal market for hybrids of rare and endangered wild cats would be irresponsible. Numerous other concerns about adding hybrid cats to the Clean List area detailed below.

Bengal, Savannah, and Chausie Cats

The Department is aware that some Bengal cats (hybrid of Asian leopard cat, *Prionailurus bengalensis*), Savannah cats (hybrid of African serval cat, *Leptailurus serval*) and possibly Chausie cats (hybrid of Asian jungle cat, *Felis chaus*) have been imported and are currently possessed as pets in Alaska. Under 5 AAC 92.029 hybrids of domestic animals with game animals may not be owned as pets or imported without a permit from the Department. The Department does not condone violation of regulations nor do we believe those who have knowingly done so should be rewarded by the Board.

These proposals request the addition of hybrids of domestic and wild cat species to the Clean List because the proponents contend the hybrids are recognized breeds of domestic cat rather than hybrids of wild cats. The Department vigorously disagrees with this assertion. Similar to wolf hybrids, simply because a hybrid animal shares some characteristics of appearance and behavior with a domestic animal, does not make it a domestic animal. A variety of wild cat species, including threatened and endangered species, look like and share behavioral traits with domestic cats, but they are not domestic cats.

The proposals contend that the wild cat hybrids are now breeds of domestic cat presumably because they have been bred as hybrids and kept as pets for some number of generations. However, the number of generations bred in captivity or proportion of wild cat ancestry below which wild cat hybrids becomes behaviorally and physiologically indistinguishable from domestic cats is unknown. Further, the proposals as written would make possession of nearly pure wild cats legal because they do not stipulate any limits on the proportion of wild cat ancestry a hybrid may have. Indeed, such requirements would be difficult for the Department or other agencies to monitor or enforce. A brief survey of hybrid cat breeder websites indicated that in addition to exotic appearance, large size and greater athletic (predatory) ability are characteristics sought by buyers and targeted by breeders. This is relevant because wild servals and jungle cats are similar in size to a lynx and can weigh 35 lbs. Because of their larger size and less predictable behavior, hybrid wild cats represent a greater potential threat to safety of the public and indigenous wildlife than domestic cats.

Although the wild cat species used to produce Bengal and Savannah hybrids are not listed as threatened or endangered by the IUCN, the pet trade is commonly mentioned as a potential threat to most species of small wild cats. Allowing possession of hybrids could complicate enforcement of trade restrictions on other cat species. Many small wild cat species, including endangered species, look similar to and would be difficult for airline, Alaska Ferry System, or Border Patrol personnel to distinguish from hybrids.

The proposals do not evaluate wild cat hybrids against the criteria in 5 AAC 92.029 (h) used by the Board to assess whether a species should be added to the Clean List. The Department contributes the following information.

1) Is the species capable of surviving in the wild in Alaska? **Yes.** We anticipate that hybrid cats would be able to survive similar to or better than feral domestic cats. Feral domestic cats currently survive year round in warmer coastal areas of the State and one feral Savannah cat is known to have survived the winter in the Anchorage area. The wild species used in these hybrids are generally larger and more capable predators than domestic cats.

2) Is the species capable of causing genetic alteration of a species indigenous to Alaska? Unknown, but possible. There are unconfirmed reports of domestic cats hybridizing with bobcats, a close relative of the lynx and a species with which lynx can hybridize. If the species involved in the proposed hybrids can breed with domestic cats, hybrids may be able to breed with indigenous lynx.

3.) Is the species capable of causing a significant reduction in the population of a species indigenous to Alaska? Unknown. Feral hybrid cats have the potential to compete with native felids and other small to medium-sized

mammalian and avian predators and to kill considerable numbers of birds and smaller mammals. Because of their large size and wild ancestry, hybrids likely have greater interest and ability to hunt compared with domestic cats.

4) Is the species capable of transmitting a disease to a species indigenous to Alaska? **Yes.** Similar to domestic cats, wild hybrids can carry and transmit diseases and parasites to indigenous species and the public. Rabies, an incurable and fatal disease, is of particular concern. The Compendium of Animal Rabies Prevention and Control, 2008, published by the U.S. Centers for Disease Control and Prevention notes that **“No parenteral rabies vaccines are licensed for use in wild animals or hybrids (the offspring of wild animals crossbred to domestic animals). Wild animals or hybrids should not be kept as pets.”** In other words, the effectiveness of domestic cat rabies vaccine in hybrids is unknown, and vaccinating hybrids likely provides a false sense of security regarding this fatal disease. This is one of the major reasons why proposals to add wild cat hybrids to the Clean List should be rejected.

5) Does the species otherwise present a threat to the health or population of a species indigenous to Alaska?
Unknown.

For many years Alaska has had more restrictive regulations on possession of non-indigenous and hybrid animals than most states and adjacent Canadian provinces. These restrictive regulations have been effective at minimizing transmission of non-indigenous diseases and genetic material to Alaskan wildlife as well as protecting the health and safety of Alaskans. The Department opposes allowing hybrids of wild cats to be considered domestic or adding the proposed hybrids to the Clean List because: 1) the hybrids clearly fail two of the five criteria above, 2) as written the proposals would allow nearly pure non-indigenous wild cats to be owned, bred, and sold as pets without regulation, 3) adding hybrids could contribute to depletion of wild cat populations by creating a new market for exotic cats, and 4) because hybrid cats represent a potential threat to the health and safety of Alaskans and Alaska’s wildlife.

When evaluating proposals related to the Clean List, please consider the potential actions of the least responsible pet owners who may seek these animals. The increased interest in the possession of exotic and hybrid animals as pets is associated with an increased risk to domestic animals and wildlife. These animals may be vectors for many pathogens and parasites and the commercial vaccines and veterinary therapeutics are not generally licensed or approved for use in these species. In addition, over 60% of all human diseases are zoonotic diseases and over 75% of emerging infectious human diseases originated from animals.

PROPOSAL 23

EFFECT OF THE PROPOSAL: Prevent resident guides and assistant guides from obtaining permits for taking wolves using aircraft in predation control areas.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The proposer believes that guides have a strong incentive for underreporting take of wolves and/or over-reporting the number of wolves they observe while participating in wolf reduction programs. On the contrary, all permittees have a strong incentive to accurately report wolf information, because there are checks and balances built in to these predation control programs. The Department closely tracks permittee activity and take, investigates kill sites as needed, and requires permittees to submit accurate data. Additionally, the Alaska Wildlife Troopers collaborate with Department biologists regarding permittee activity. The Department also does not rely solely on permitted pilots, regardless of their profession, to guide wolf control programs. We rely primarily on Department-run wolf surveys, models, and monitoring throughout the year. This data is supplemented by information from wolf control permittees, hunters, trappers, and others.

The proposer also believes that predation control programs risk damage to ecosystems. While no management action is without risk, current predation control programs in Alaska are structured to avoid negatively affecting the long-term integrity of ecosystems. Of many studies in Interior Alaska in which predator populations were manipulated, none indicate long-term or irreversible negative effects.

PROPOSAL 24

EFFECT OF THE PROPOSAL: Change the number of bait stations that a licensed guide-outfitter and his assistant guides may register in the Unit 16 Predation Control Area as described in 5 AAC 92.125(d)

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Staff proposal-see issue statement.

PROPOSAL 25

EFFECT OF THE PROPOSAL: Prohibit the use of bait or scent lures near businesses, schools or other facilities as described.

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Bear baiting regulations currently restrict using bait or scent lures within one mile of a house or other permanent dwelling. The regulation as currently written does not encompass all scenarios pertaining to the intent of the law. Locations such as schools and businesses should be included as restricted areas to set bait. A school or business is not considered a “house” or “other permanent dwelling” and falls through the legal cracks and the intent of the regulation.

PROPOSAL 26

EFFECT OF THE PROPOSAL: The proposal would only allow for the use of bucket snares for black bear capture that are placed above ground level and have a breakaway release suitable for allowing an adult brown bear to escape if caught in the snare.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: Elevated bucket snares are the current preferred method for black bear capture. The Department desires to have the option to allow the use of other snare techniques if they are found to be effective and appropriate as alternatives given different circumstances for capturing black bears. Breakaway releases suitable for adult brown bears are neither practical or safe given the nature of snares set to catch black bears. Efforts to place snares in an appropriate and specific manner (e.g., elevated bucket snares) are more effective at reducing the incidental catch of brown bears as well as much safer for those participating. Also, the necessity of having to dispatch a charging snared brown bear would be less if the permittee(s) or others approaching the bear knew there was no breakaway, smaller diameter snare cable, or other equipment designed to allow for the escape of larger bears. Given that 6 of the 8 brown bears caught last year were sub-adults, it is likely that the proposed modification of the existing method would do little to reduce the incidental take of brown bears and at the same time create an unnecessary safety hazard.

PROPOSAL 27

EFFECT OF THE PROPOSAL: The proposal would only allow the use of cable snares for bear capture by trained Department of Fish and Game employees.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The Department’s current black bear snaring control program has been regulated and monitored by Department staff and an experienced professional contractor. Limited numbers of licensed trappers (permittees) participated in the program during the first year and these seven individuals attended Department sponsored training and orientation both in the classroom and in the field. With the level of attention given to permittees and the permit condition requirements, the Department does not support the idea of only ADFG staff conducting snaring operations. Also, given limited staff and budgets there is reasonable justification to allowing for public participation in conducting focused and controlled predator management programs such as black bear snaring. In addition, the Department is planning to move forward with this program and hire additional staff to work specifically with the program, increasing monitoring efforts, and evaluating the program in focused areas.

PROPOSAL 28

EFFECT OF THE PROPOSAL: Eliminate nonresident hunting for moose and caribou within all predation control areas.

DEPARTMENT RECOMMENDATION: **NO RECOMMENDATION**

RATIONALE: This is an allocation issue that should be determined by the Board on a case-by-case basis. Among the 6 current predation control areas, the Board has eliminated nonresident hunting for moose in 2 areas and for caribou in 3 areas. These determinations were made based upon a variety of factors specific to each area that included: species identified as important for providing high levels of human harvest; species benefitting from predation control; harvestable surplus; customary and traditional use findings; and historical harvest by residents and nonresidents.

If this proposal were adopted, these factors would no longer be considered, resulting in less nonresident hunting opportunity. For example, the Unit 13 predation control program was established in 2000 to benefit moose. Since it was implemented, the number of moose counted in fall trend counts has increased by 3–5% per year. During the spring 2009 meeting, the Board addressed allocation of moose in Unit 13 and determined the amount needed for subsistence was 300–600 moose and the total bull harvest had increased to more than 800. Because resident hunting opportunity was being met, the Board established a nonresident drawing permit hunt for bulls with 50-inch antlers or at least 4 brow tines. In establishing this hunt, the Board recognized that moose taken by nonresidents are often given to resident relatives or other local residents. The 2009 nonresident harvest of 11 bulls had no influence on moose numbers or resident hunter opportunity.

PROPOSAL 29

EFFECT OF THE PROPOSAL: Eliminate nonresident harvest of certain big game species in active predator control areas with positive customary and traditional use findings and change the definition of an active predator control area.

DEPARTMENT RECOMMENDATION: **NONRESIDENT HARVEST-NO RECOMMENDATION**
ACTIVE PREDATOR CONTROL AREA DEFINITION-DO NOT
ADOPT

RATIONALE: The Department has no recommendation concerning eliminating nonresident hunting because this is an allocation issue that should be determined by the Board on a case-by-case basis. Alaska Statute (AS) 16.05.258 specifies procedures regarding game populations for which the Board made positive customary and traditional use determinations. This statute requires the Board to adopt regulations that eliminate consumptive uses other than subsistence (AS 16.05.258(b)(4)) when the harvestable portion of the population is less than the amount reasonably necessary for subsistence and is insufficient to provide a reasonable opportunity for subsistence uses.

Among the 6 current predation control areas, the Board has eliminated nonresident hunting for moose in 2 areas and for caribou in 3 areas. These determinations were made based upon a variety of factors specific to each area that included: species identified as important for providing high levels of harvest for human consumption; species benefitting from predation control; customary and traditional use findings; harvestable surplus; amounts necessary for subsistence use; and historical harvest by residents and nonresidents.

The Department recommends do not adopt concerning the change in definition of an active predator control area. The proposal to add "or Department of Fish and Game personnel and/or state contractors are conducting predator control" to the definition inserts complicated, confusing and unnecessary language. Also, changing the words "current year" to "current regulatory year" would eliminate the ability to sell black bear skulls and untanned hides of bears taken during July–October and eliminate same-day-airborne take of black bears at bait stations during that time.

PROPOSAL 30

EFFECT OF THE PROPOSAL: Eliminate harvest of most big game species by nonresidents in areas with customary and traditional use findings.

DEPARTMENT RECOMMENDATION: **TAKE NO ACTION**

RATIONALE: See analysis and recommendation for proposal 29.

PROPOSAL 31

EFFECT OF THE PROPOSAL: Amend to change the dates that helicopters and snaring may be used in Unit 16 black bear management.

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Staff proposal-see issue statement.

PROPOSAL 32

EFFECT OF THE PROPOSAL: Establish a predation control plan for Units 9C and 9E.

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Staff proposal-see issue statement.

PROPOSAL 33

EFFECT OF THE PROPOSAL: Modify the population objectives for the Northern Alaska Peninsula Caribou Herd (NAP) in Unit 9C and 9E.

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Staff proposal-see issue statement.

PROPOSAL 34

EFFECT OF THE PROPOSAL: Establish a new intensive management plan in Unit 15A.

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Staff proposal-see issue statement.

PROPOSAL 35

EFFECT OF THE PROPOSAL: This proposal would change current sealing regulations to allow the harvester at his option, to do the required steps for sealing “or” take the hide into a sealing agent.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The Department requires sealing of bears in areas where collecting biological information on harvested bears is important for management. Sealing means that a person brings in the hide and skull of the bear to an authorized representative of ADF&G, at which time information on the taking of the bear is recorded. Additionally, a tag is fixed to both the hide and skull, the hide is checked for evidence of sex, and in most cases a premolar tooth is pulled for age analysis. In some cases genetic material is also collected.

Although getting a bear sealed in some rural areas can be challenging for the hunter, the Department tries to meet this need through the use of designated sealing agents. These people are trained to seal bears and are located throughout the State in locations where the Department believes they are needed to meet the needs of hunters. The Department also tries to accommodate hunters by allowing them 30 days after harvest to get their bear sealed. Hunters can use a temporary sealing certificate that allows a 2nd party to bring the bear in for sealing if the hunter can not make it themselves.

The Department does not support this proposal because quality control of the data can not be guaranteed without having trained individuals conducting the sealing of bears. This type of data must be collected in a systematic manner to assure consistent and accurate data collection.

PROPOSAL 36

EFFECT OF THE PROPOSAL: This proposal would eliminate the sealing requirements for marten, beaver, otter, wolf, and wolverine statewide except when specific biological data is needed by the Department of Fish and Game that cannot be collected by the trapper for the Department.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: Often the only data the Department is able to gather on furbearers comes through the sealing process, and is important information to assess furbearer population trends and address management questions. For the furbearers referenced in this proposal, sealing means that a person must bring the hides of these animals to a designated sealing agent, at which time information on the taking of the furbearer is recorded. Additionally, a tag is fixed to the hide and the hide is checked for evidence of sex. In some cases genetic material is collected. Sealing is also required under federal law for river otter, wolf, and wolverines. The Convention on International Trade in Endangered Species (CITES) requires that river otters, wolves, and wolverines be sealed and affixed with a Federal CITES tag.

Although getting furs sealed in some rural areas can be challenging for a trapper, the Department tries to meet this need through the use of designated sealing agents. These people are trained to seal furbearers and are located throughout the State in locations where the Department believes they are needed to meet the needs of trappers. The Department also tries to accommodate trappers by allowing them to seal most furs up to 30 days after the close of the season for each species. Trappers can use a temporary sealing certificate that allows a 2nd party to bring their furs in for sealing if the trapper can not make it themselves.

The Department does not support this proposal because quality control of the data can not be guaranteed without having trained individuals conducting the sealing of furbearers. This type of data must be collected in a systematic manner to assure consistent and accurate data collection.

Proposal 37

EFFECT OF THE PROPOSAL: This proposal would modify the sheep horn sealing requirement in GUMs 6-11 and 13-17 so that the seal would be a nonpermanent mark. As written, the seal could either be attached to the skull (nonpermanent after the horns detach from the horn core and skull, about 10-30 days after the death of the ram) and not the horns or that the seal would not have to be permanently affixed to the horn and could be removed by the taxidermist.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The primary goal of the sealing program is to encourage hunters and guides to be more selective when judging sheep in the field, because the horns must later be presented to ADF&G or AWT for determination of legality. A secondary goal of the program is to allow the department to collect much needed data. Whether the seal is permanent or nonpermanent is primarily an enforcement issue because nonpermanent seals have a higher potential for abuse than permanent seals. After several years of changes, the sealing program is now consistent among all sport and many subsistence hunts statewide. Permanent sealing is also a nationwide practice supported by all agencies that administer sheep hunts. This proposal seeks to change the sealing regulation in only a portion of the state, which will eliminate that consistency.

PROPOSAL 38

EFFECT OF THE PROPOSAL: Allow the sale of black bear gall bladders by non-profit organizations.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The Department recommends that sale of black bear gall bladders remain illegal. As a CITES, Appendix II species, black bears and their parts require documentation for export so that trade in protected Asian bear parts cannot occur by fraudulently mislabeling them as American black bear. To satisfy this requirement, Alaska currently requires sealing of all bear hides and skulls exported from the State. Sale of gallbladders is particularly sensitive, and has been implicated as an incentive to poaching in Alaska and other states. Ongoing law enforcement investigations indicate that black bears in Alaska have been snared illegally and only gallbladders and claws removed. Legalizing the sale of gallbladders would likely encourage such poaching activity, including areas where high black bear harvest is already a concern.

PROPOSAL 39

EFFECT OF THE PROPOSAL: Allow the sale or barter of tanned bear hides.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: Currently, the fur of a bear may be used in an article of handicraft, but all other commercial uses of parts of bears are prohibited under general hunting regulations. The Department does not support the general sale of bear hides, except for those bears taken under control permits as necessary to meet the goals of predator control under intensive management plan. The sale of brown/grizzly bear parts may lead to long-term population declines in some parts of Alaska. Transport of brown/grizzly bears are subject to CITES regulations and would require various state and/or federal permits to leave Alaska. The Department believes that the current regulatory system provides ample hunting opportunity for subsistence and other uses of the species. The sale of a complete, tanned bear hide including the head and claws, would be considered the sale of a trophy; see rationale for proposal 40.

PROPOSAL 40

EFFECT OF THE PROPOSAL: Allow the sale or barter of big game trophies.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: Trophy is defined in regulation as “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; ...”. Except for the sale of skins of some big game animals with relatively low value, the sale of black bear hides, and the limited sale of grizzly bear hides from some areas, the Department does not support commercial use of most big game animal parts or trophies.

Alaska contains more species of trophy big game and a greater opportunity to harvest large individual animals than all other states in the USA. Alaska is in a different ‘league’ than many states with regard to trophy-sized native big game. The Board should consider attendant effects of allowing the sale of trophies, including the possibility for invoking the federal commerce clause, since discriminating between residents and nonresidents might restrict access to a potential source of income.

If the Board’s intent is to allow the purchase, sale or barter of big game trophies by removing the current prohibition, the Board may wish to consider restricting sales to prevent large-scale commercialization. This might include allowing a one-time sale by the original hunter as is done in some other states and provinces.

PROPOSAL 41

EFFECT OF THE PROPOSAL: This proposal would modify the definition of “edible meat” for big game by including disease as a factor that can render meat inedible and therefore not subject to edible meat salvage requirements.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: This proposal was deferred from November 2009 Board meeting and was modified to apply statewide rather than only in Units 23 and 26A, as originally proposed. The proponents wish to modify the definition of edible meat to exempt meat that is inedible because of disease. The definition of “edible meat” occurs

in both State statute (AS 16.30.030) and regulation (5 AAC 92.990) so changes to definitions needs to consider the statutory oversight to this requirement.

The Department has concerns about changing the definition of edible meat to allow “diseased” animals to be left in the field. Because disease is broadly defined as any deviation from normal health, this could result in hunters leaving meat in the field, claiming it was diseased, even though it is edible and safe for human consumption. This also shifts the responsibility to comply with wanton waste statutes and regulations from the hunter to enforcement officers to prove that the meat was not diseased. This represents a major change from the current practices where hunters are responsible for proper care and salvage of game from the field, until it is verified that the animal, or some portions of the animal, is not fit for human consumption.

There are very few wildlife diseases that render an animal completely inedible for human consumption and the Department provides hunters with various educational materials to help them understand wildlife diseases, when they represent a human health risk and precautions for the use of meat when disease is present or suspected in a harvested animal. In addition, Department provides services to the public to help evaluate “diseased” animals whenever animals are brought in for evaluation. In summary, the Department believes that the current approach works effectively to balance the responsibilities to avoid wanton waste of wildlife and to protect people from wildlife disease risks.

PROPOSAL 42

EFFECT OF THE PROPOSAL: This proposal requests regulatory changes that would impose stricter standards to conditions that would be considered wasting of big game and broader authority for the BOG to limit uses of game meat after it has been processed for human consumption.

DEPARTMENT RECOMMENDATION: **NO RECOMMENDATION**

RATIONALE: The author requests that the BOG prohibit activities that are considered wasteful after big game has been processed for human consumption, and provides an example of using salmon fillets as fertilizer to illustrate that point. Requirements for meat salvage currently include making a reasonable effort to retrieve game and meat salvage requirements from the field, but regulations end at the point that game has been processed for human consumption. The author of this proposal suggests it would be in the best interest of sportsmen and the image of hunting to extend control over the use of game meat to include how it is used following processing. The only area where regulations currently restrict use of edible meat from game is for use as bait for trapping. The Department does not have a recommendation on this proposal because it is not clear if the Board has the authority to regulate uses of game meat beyond processing for human consumption in a manner suggested by the author.

PROPOSAL 43

EFFECT OF THE PROPOSAL: This proposal would modify the salvage requirement of all harvested big game and allow hunters to dispose of meat according to their choosing.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The proposal lacks a lot of specificity, but seems to suggest that the regulation should allow hunters the ability to decide whether to salvage meat from harvested big game after recording the harvest of the animal in the field. If this is the intent of the proposal, it is in direct opposition to State statute AS 16.30.010, which prohibits wanton waste of big game and waterfowl and AS 16.30.020 (3) which defines edible meat that must be salvaged.

PROPOSAL 44

EFFECT OF THE PROPOSAL: This proposal would change and clarify the boundary between Units 18, 19, and 21. The proposal statement of purpose in the published proposal mistakenly refers to Game Management Unit 20 instead of Unit 21.

DEPARTMENT RECOMMENDATION: **AMEND AND ADOPT**

RATIONALE: As stated in the proposal, the current boundary between these game management units is imprecise. The boundaries in the Kalskag area are particularly ambiguous with 1) no definition of precisely where the "straight line drawn between Lower Kalskag and Paimiut" begins and ends and 2) the large slough of the Kuskokwim River locally known as "Old River" makes determining what is downstream of Kalskag problematic.

This proposal would provide a more precise boundary and resolve the confusion regarding this boundary for all users and agencies. However, we believe it should be amended to better define the boundary in the Yukon and Kuskokwim River drainages. By recommending "Amend and Adopt" we are not changing the intended boundary of the proposal, but simply clarifying the description of the new boundary. Also, we are adding latitude and longitude coordinates to the locations referenced in the proposal. The amended proposal will change the codified descriptions in 5 AAC 92.450 (18); 92.450 (19) (A); and 92.450 (21) (E).

The definition of Unit 18 should read: That area draining the Kuskokwim and Yukon Rivers downstream of a line beginning at the downstream boundary of Dick Nash's fish camp (61° 28' 08" N 160° 25' 50" W) on the Kuskokwim River, directly across the river to Sam Savage's fish camp (61° 28' 16" N 160° 26' 13" W), then following the western shore of First Slough and Mud Creek to the Mud Creek to Crooked Creek tramway, then following the tramway to Crooked Creek, then following the western bank of Crooked Creek to Arhymot Lake, then following the western shore of Arhymot Lake to the mouth of an unnamed creek on the northwestern shore of Arhymot Lake (61° 38' 45" N 160° 28' 23" W), then following a straight line to the downriver boundary of Paimiut on the Yukon River and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew and adjacent islands between Cape Newenham and the Pastolik River.

The amended definition of Unit 19A should read: All drainages of the Kuskokwim River upstream of a line beginning at the downstream boundary of Dick Nash's fish camp (61° 28' 08" N 160° 25' 50" W) on the Kuskokwim River, directly across the river to Sam Savage's fish camp (61° 28' 16" N 160° 26' 13" W), then following the western shore of First Slough and Mud Creek to the Mud Creek to Crooked Creek tramway, then following the tramway to Crooked Creek, then following the western bank of Crooked Creek to Arhymot Lake, then following the western shore of Arhymot Lake to the mouth of an unnamed creek on the northwestern shore of Arhymot Lake (61° 38' 45" N 160° 28' 23" W), then following a straight line to the downriver boundary of Paimiut on the Yukon River.

The amended definition of Unit 21E should read: That area draining into the Yukon River upstream of a line beginning at the downstream boundary of Paimiut to the mouth of an unnamed creek on the northwestern shore of Arhymot Lake (61° 38' 45" N 160° 28' 23" W) to, but not including, the Tozitna River drainage on the north bank and to, but not including, the Tanana River drainage on the south bank, and excluding the Koyukuk River drainage upstream from the Dulbi River drainage.

This proposal adds 40–60 mi² to Unit 19 by moving the boundary with Unit 18 approximately 5 miles downstream. Unit 18 contains more than 41,000 mi², Unit 19 is more than 36,000 mi², and Unit 21 is almost 44,000 mi², so the effective change of total area in each unit is minor. This proposal also corrects an administrative error which has incorrectly assigned UCU 21E-0101 to Unit 21E. It should be reassigned to Unit 19A because it is within the Kuskokwim River drainage. This correction amounts to a change of less than 90 mi². About half of the small area being redefined by this proposal is moose habitat, which makes the boundary change and UCU reassignment a small fraction of the available moose habitat in the affected game management units. Therefore, we recommend maintaining existing subsistence findings.

The Department has worked with the Central Kuskokwim Advisory Committee, particularly the chair, to assist in the development of a boundary proposal. This proposal has not yet been discussed in detail with the other advisory committees that it affects, specifically, the Lower Kuskokwim Advisory Committee. Their comments should be considered.

PROPOSAL 45

EFFECT OF THE PROPOSAL: Housekeeping modifications to game management unit and subunit boundaries in Units 6, 11, 13, 14, 16 and 25.

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Staff proposal-see issue statement.

PROPOSAL 46

EFFECT OF THE PROPOSAL: This proposal would create a regulatory definition for hunting big game with a crossbow.

DEPARTMENT RECOMMENDATION: **DEFER**

RATIONALE: The Department recommends defer on this proposal because, though the author suggests providing the regulatory standards for hunting with a crossbow in 5 AAC 92.990, the Department believes it should be included in 5 AAC 92.085 (Unlawful methods of taking big game; exceptions), which is not in the call for this meeting. However, the Department is providing the following information regarding standards it feels would be appropriate.

Recommended standard requirements: Crossbows are not considered archery equipment for “archery only hunts” yet may be used during any general firearm season. Minimum draw weight of 100 lbs. and a minimum draw length of 14 inches from front of bow to back of string when in the cocked position; arrows must be at least 16 inches long; broadheads shall have fixed metal cutting blades at least 7/8 of an inch in diameter. No optical scopes or electronic devices may be attached to the cross bow.

Reducing the wounding loss rate leads to better management and increases future hunting opportunities for all hunters. These guidelines fall in line with the requirement of other states that currently allow the harvest of big game such as elk and moose with a cross bow.

PROPOSAL 47

EFFECT OF THE PROPOSAL: This proposal would remove snowy owl from the list of unclassified game, effectively closing the resident hunting seasons in Units 17, 18, 22, 23, and 26 where birds may be taken for food or clothing and not sold or offered for sale.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: Snowy owls are found in tundra environments of western and northern Alaska. Small numbers are taken for food and ceremonial uses by local residents. The Department does not require harvest reporting. However, harvests of snowy owls were documented in 11 of 33 community subsistence surveys in northern and western Alaska from 1982 through 2007. Estimated annual harvests ranged from 0 to 29 owls per community, with an estimated annual average of 3.6 owls per community. For the 11 communities reporting owl harvests, the average harvest was 11 owls annually; the typical (median) harvest was 5 owls annually. For this species, the widespread distribution of tundra nesting habitat in North America provides significant protection from overharvest on a broad population level. Although largely unknown, the low level of harvest is not expected to have significant detrimental effects on the microhabitats identified in the proposal.

The proponent suggests that no hunting protection through the Federal Migratory Bird Treaties with Canada and Mexico should be applied to snowy owls, but this argument fails to recognize that the treaty was amended in 1997 to recognize customary and traditional harvests of treaty-protected species. Snowy owls (and many other species) are allowable for harvest because traditional use is recognized and there are no current population concerns. Due to low levels of traditional harvest in the tundra areas of western and northern Alaska, the Department favors maintaining the current classification with allowable hunting and does not support the ‘no hunting’ effect of the proposal.

PROPOSAL 48

EFFECT OF THE PROPOSAL: This proposal would modify the definition of a full curl ram to include a ram whose horn tips have grown past a line drawn between the lowest point of the front bases of both horns.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: We are sympathetic to the difficulties encountered when field judging sheep, and we agree with the authors of the proposal that in most cases, legal sheep under this modified definition would “almost always be legal

under the current definition of a full curl...”. We also acknowledge that there are some rams with unusual horn characteristics that are not easily classified under the current definition.

However, due to the many options of viewing a line from the “front”, combined with natural variability in horn growth patterns, base shapes, and positions, the proposed definition cannot be consistently applied to the extent needed to be legally defensible. Alternately, the current definition of full curl (the outer surface of the horn must grow through 360° of a circle when viewed from the side), is a proven method to consistently judge sheep. This definition has been in use for 20+ years. The department is working toward improved education and orientation of hunters, staff, and AWT to improve consistency among all parties when judging sheep.

PROPOSAL 49

EFFECT OF THE PROPOSAL: Require permittees who radiocollar wolves to report and treat any wolves they detect that are infested with lice.

DEPARTMENT RECOMMENDATION: **TAKE NO ACTION**

RATIONALE: The Department already has the authority under 5AAC 92.033 and AS 16.05.930 to require agencies who are issued capture permits to report and treat wolves infected with lice. In the future, we will require permittees to report any lousy wolves encountered. However, treatment should be considered on a case-by-case basis after consultation with the permittee and depending upon feasibility and conservation concerns.

PROPOSAL 50

EFFECT OF THE PROPOSAL: Allows the submittal and consideration of any Tier II or subsistence related issue for any regular Board meeting.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The Board currently considers changes to regulations on a region-based schedule, with five regularly scheduled meetings in a two-year cycle. Proposals concerning subsistence related issues are considered at the appropriate regional meeting; proposals concerning Tier II scoring and Tier II permits are considered every four years at the statewide regulations meeting. The public has come to rely on the predictability of the normal Board schedule which facilitates their participation in the regulatory process.

The Department understands the author’s intention is to allow the submittal of proposals for inclusion in the Board proposal books. Accepting any and all proposals concerning Tier II or subsistence related issues for consideration at any regular Board meeting has the potential to add several more issues from around the State to be addressed at each meeting. Unless the Board narrowed the focus, subsistence related proposals would include all hunting or trapping proposals that impact game populations that have positive findings for customary and traditional uses. This would result in the loss of the regional/topic focus at each of the Board meetings and diminish the predictability of the process. It would also add a financial cost for public and Department for participation at additional Board meetings.

Additionally, as required by State law, when the Board addresses proposals affecting subsistence uses the Board is required to be sure that the regulations provide a reasonable opportunity for the subsistence uses. Other Board policies providing for scheduling flexibility as appropriate, such as the Joint Board Petition Policy and the Subsistence Proposal Policy.

PROPOSAL 51

EFFECT OF THE PROPOSAL: Extend all trapping season dates ending on February 28 to incorporate leap year, February. 29.

DEPARTMENT RECOMMENDATION: **ADOPT**

RATIONALE: Department proposal generated at the Board’s request. See issue statement.

PROPOSAL 52

EFFECT OF THE PROPOSAL: At the March 2009 meeting, the Board amended this proposal (formerly Proposal 117) which decreased the resident and nonresident bag and possession limits for sea ducks in Unit 15C, Kachemak Bay. The BOG action prompted a petition to seek an emergency regulation to increase the bag and possession limits on sea ducks in Unit 15C, Kachemak Bay to their former status. Upon further consideration of Proposal 117 and the petition during a May 19, 2009 teleconference, the Board concluded that additional time for public review and analysis would best serve the public and the resource. The Board acted to delay the implementation of Proposal 117 to July 1, 2010 and allowed for additional public review of the proposal during its January 2010 meeting.

The original proposal does not address specific regulations, such as bag limits, season dates, or other rules, but presumably the desired action would restrict guided sea duck hunting or introduce more restrictive harvest regulations in Unit 15C to control harvest rates and maintain abundance in localized areas.

DEPARTMENT RECOMMENDATION: **AMEND AND ADOPT**

RATIONALE: Since a regulatory change has already been adopted at the March 2009 meeting, the Department recommendation is to revert (maintain) sea duck harvest regulations to the 2009 resident and nonresident possession and bag limits by amending Proposal 117 or otherwise modifying bag limits for sea ducks in Unit 15C, Kachemak Bay. No specific regulatory changes are requested by the original proposal, although the intent is to prevent local depletions of wintering sea ducks by restricting guided hunting in Kachemak Bay. The Department and Board have considered and addressed the concerns inherent in this proposal several times over the past ten years. A key issue in this proposal is concern about potential local depletions. The Department and other wildlife agencies frame management efforts primarily at the population level, with consideration of status and trends of resources within regions. Currently, the Department is managing waterfowl at the scale of regions, such as Cook Inlet and the Gulf Coast regulation zone. The Department has no practical way to monitor ducks or rationale for controlling harvest at the spatial scales suggested by the proposal.

Surveys conducted during 1999-2003 indicate that 12,000–25,000 sea ducks winter in Kachemak Bay. State harvest survey data from 1984–1996 indicate an average harvest of 1,500 sea ducks in all of Cook Inlet. More recent federal harvest data indicate that, statewide, approximately 5,500 hunters harvest 9,000 sea ducks annually. Over 250,000 sea ducks winter in Alaska.

The Board restricted sea duck bag limits for residents and non-residents in 1999 and further reduced resident daily bag limits for harlequin and long-tailed ducks from 10 to 6 in 2001. The Department does not have evidence that sea ducks are being overharvested. Further harvest restrictions in Kachemak Bay will not provide conservation benefits to populations of sea ducks.
