

During the October 2014 Joint Board meeting, the Board of Game requested this proposal be scheduled for the 2014 Statewide Regulations meeting.

PROPOSAL 178 - 5 AAC 92.200. Purchase and sale of game. Prohibit the commercial barter of game or their parts taken for subsistence uses, as follows:

Amend 5 AAC 92.200 *Purchase and sale of game*(b) by adding a new section to read:

(4) The following individuals and businesses are prohibited from engaging in the barter of game or their parts taken for subsistence uses:

(A) an individual or business holding a license under AS 43.70 or AS 43.75, or their Alaska resident employee, to engage in the commercial sale of the food items or nonedible items provided by the barter exchange; and

(B) an individual or business licensed under AS 43.70 or AS 43.75, or their Alaska resident employee, to engage in providing the services provided by the barter exchange.

(5) for purposes of this subsection, in addition to the definitions in AS 16.05.940, in 5 AAC 01-5 AAC 02, and in 5 AAC 84-5AAC 92, unless the context requires otherwise, “non-commercial” means not for profit or disposal in commercial channels.

WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?

Barter of subsistence-taken game is a long-standing customary and traditional (C&T) use in Alaska and this barter is recognized in state law (AS 16.05.940(33)). Subsistence barter does **not** involve cash: exchanges of subsistence resources for cash is defined in state law as “customary trade” (AS 16.05.940(8)).

State law defines subsistence barter as “the exchange or trade of fish or game, or their parts, taken for subsistence uses (A) for other fish or game or their parts; or (B) for other food or for nonedible items other than money if the exchange is of a limited and **noncommercial** nature” (emphasis added; AS 16.05.940(2)).

In January 2012, the Alaska Board of Game (board) also recognized this long-standing use and changed 5 AAC 92.200 to allow the barter of most game taken for subsistence uses.

However, because there is no regulatory guidance on what a “limited and noncommercial” level of barter of game might be, the board requested that the department, in collaboration with Department of Public Safety, Alaska Wildlife Troopers, propose a definition of “noncommercial” as it relates to barter of subsistence resources in order to help enforcement and to protect subsistence resources.

This proposal would prohibit barter by a person or business, or their employee, engaged in the sale of the items being bartered. So a person who sells groceries, for example, would not be able to exchange groceries for moose meat. It would also prohibit bartering commercial services for subsistence meat. So, for example, a commercial air taxi operator could not barter a flight for a subsistence caribou. If there is no definition of noncommercial as it relates to subsistence barter of

game, then those barter transactions could develop into commercial activities, thus impacting the resource.

PROPOSED BY: The Department of Public Safety, Alaska Wildlife Troopers, and the Department of Fish and Game, at the request of the Alaska Board of Game (HQ-SW14-01)
