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Mr. Chairmen and Members of the Board of Game,

I submit my lay comments on Proposal 201 Change reasonable to lawful.

Firstly, I respectfully ask for this proposal to be deferred to a later meeting. Deferring would allow time to form a subcommittee tasked with authoring the best language for the regulation.

Secondly, I offer for consideration the following reasons for amendment and amended text.

Reasons:

1. What is the status is of wounded game?

a. Is wounded game considered taken? I recognize that in Southeast we have regulations that state that if you draw blood it counts against your bag limit on black bears. In contrast, the black bear harvest ticket still states "upon taking a Black bear validate this ticket by cutting out month and day of kill."

b. What does "wounded" mean?

2. What does retrieval mean?

3. Lawful versus reasonable.

a. Use of a motor vehicle to position a hunter to take the wounded game

i. Not Lawful, except for a couple units.

ii. Is this reasonable?

b. Use of artificial light

i. Not Lawful, but it may be needed in tracking and finding the wounded game and quickly dispatching it, so the suffering will cease.

ii. Is this reasonable?

iii. Has this method helped the wounding loss rate?

iv. The same could be asked for the use of enhanced night vision, radio communication and cellular/satellite phones.

c. Same day airborne

i. Not lawful, but if a wounded animal is found by flying around the area in which it was wounded, should that animal suffer until 3 AM the next day or much longer.

ii. Is this method of retrieval and salvage reasonable?

iii. Could this method help our wounding loss rate?

iv. Are the chances of wounded game of escaping greater not having this tool?

d. Another licensed hunter, who does not have an appropriate tag or one who has already filled a tag for that specific species, assisting in the retrieval (shooting at or dispatching) of a wounded animal.

i. Not lawful, but according to renowned Kodiak grizzly bear biologist, Larry Van Daele. Most bears taken non-guided on Kodiak are taken with the assistance of another person.

ii. Is this reasonable?

iii. Has it been enforced?

iv. AS 16.05.330 Licensing and tags states, without having the appropriate license or tag in actual possession, a person may not engage in

(1) sport fishing, including the taking of razor clams;

(2) hunting, trapping, or fur dealing;

(3) the farming of fish, fur, or game;

(4) taxidermy; or

(5) control of nuisance wild birds and nuisance wild small mammals for compensation.

However, the Alaska Department of Fish and Game's website, under Delta Bison hunting permit section, states:

Back-up Hunters

The permit recipient is responsible for all aspects of shooting the bison. However, because bison can be difficult to kill and we want to minimize the potential for a wounded animal, the Department allows back-up hunters for the Delta bison hunt. A back-up hunter may assist

in shooting, but only if the permittee is in danger of losing a wounded bison. The permittee retains all legal responsibility for the animal that is killed. A back-up hunter must have a valid hunting license and a firearm that meets the ballistic requirements.

1. Has the BOG taken action on this in regulation?
2. Is this a DWC policy that is out of compliance with State Statute?
3. Has the DWC determined it to be "reasonable" for just Delta Bison Hunters? It does not mention the three other bison herds. Are the bison in Delta much more difficult to harvest by a single shooter?

e. Are the regulations congruent or incongruent? It is stated "what you do when you have wounded game" under regulation 5AAC 92.220 SALVAGE OF GAME.....", while it is not stated under 5AAC92.075, 5AAC92.080, 5AAC92.085, 5AAC92.090, and 5AAC92.095, which define what you are allowed to do in taking game.

i. Have past broads recognized that even if the regulations are followed by hunters in the "taking" of game, there are times when an animal is wounded? In that situation, is the ethical task to retrieve that animal and dispatch it as quickly and humanly as possible?

1. Not to allow that animal to suffer any longer than it has to?
2. To keep the wounding loss rate as low as possible?
3. To ensure that the wounded game will be retrieved for maximum human consumption?

ii. Should we as wildlife managers be more concerned about wounding loss rate, than how ethical or how lawful it is to retrieve wounded game?

I do believe there has been abuse by some in the retrieval of wounded game. This why we have Alaska Wildlife Troopers. It is not easy for these dedicated Alaskans to enforce language such as "reasonable". That is why they are trained well in investigating. They have proven in many court cases that a hunter was not "reasonable" in his/her retrieval or salvage of wounded game.

Sometimes black and white language or one regulation does not fit all circumstances or situations when it comes to the retrieval and salvage of wounded game. And sometimes peace officers don't use their statutory authority to issue a warning (AS16.05.160 duty to arrest). Peace officers make choices: issue a warning or execute an arrest? A hunter may need to make choices: use artificial light to put a wounded animal down or wait till morning or longer?

iii. S 16.05.330 licensing and tags states: (a) Except as otherwise permitted in this chTo assist both peace offices and hunters in making choices, I would make this Amendment to proposal 201.

5AAC92.220(l). A PERSON WHO WOUNDS GAME SHALL MAKE EVERY REASONABLE EFFORT TO RETRIVE AND SALVAGE THAT GAME.

IF THAT RETRIVAL AND SALVAGE REQUIRES SOMETHING THAN OTHER THAN NORMAL AND LAWFUL TRACKING, PRESUEING, AND DISPATCHING. THE HUNTER SHALL NOTIFY ALASKA WILDLIFE TROOPERS OR ALASKA DEPARTMENT OF FISH AND GAME AS SOON AS POSIBLE OF WICH METHODS WERE USED IN THE RETRIVAL AND SALVAGE OF THAT WOUNDED GAME.

Final thoughts on taking action on this proposal at this meeting. Taking action at this meeting does not affect current regulations any sooner or get the change in the codified any faster. Let us proceed with caution and sound decision making.

We do in many cases make regulations with "fair chase" concepts in mind, but not exclusively. As many opportunities are afforded to Alaskans that do not follow "fair chase" concepts. We should keep in mind that once was an animal is wounded, reasonable method should be allowed in the retrieval and salvage. We should be very concerned about the retrieval and salvage of that game and not get caught up in someone's or some department's ideology of what is ethical or what is fair chase.

Wounding loss and human consumption is important to me and many others. I believe changing this regulation as summited, may result in a higher wounding loss. Some hunters may find it difficult to know what is lawful and find it easier to just give up pursuing wounded game far quicker.

Sincerely,

Al Barrette