

ACR 9 – Align state regulations for harvesting cormorant with federal regulations.

SUBMITTED BY: Alaska Department of Fish & Game

MEETING ACR SUBMITTED FOR: 2016 Statewide Regulations

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.

85.070(3). Hunting season and bag limits for unclassified game.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The Department of Fish & Game, along with the Department of Law, has determined that it is no longer legal, under Federal Regulations, to allow for the harvest of cormorants on a “no closed season” basis and has been inappropriate since 2003.

WHAT SOLUTION DO YOU PREFER?

85.070(3) Cormorant (Pelagic and Double-crested)

Units 10, 17, 18, 22, 23 Residents: Sept. 1-April 1 (Subsistence Season Only)

Nonresidents: No open season

No limit; however, a bird may be taken only if used for food or clothing, and no bird or part of a bird may be sold or offered for sale

STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.

a) for a conservation purpose or reason: N/A

b) to correct an error in regulation: The Department of Fish & Game, in consult with the Department of Law, has determined that since 2003, state regulations allowing for the harvest of cormorants are not in compliance with federal regulations, 50 CFR part 20.132. Following amendments to the Migratory Bird Treaty Act in 1997, a regulated spring/summer subsistence season for the harvest of migratory birds was established in 2003 in portions of rural Alaska. From April 2 to August 31 federal regulations allowed the harvest of cormorants to only permanent residents of areas included in the spring/summer subsistence harvest. Currently, under 50 CFR part 20, “In Alaska, any person may, for subsistence purposes, take, possess, and transport, in any manner, from September 1 through April 1, snowy owls and cormorants for food and their skins for clothing, but birds and their parts may not be sold or offered for sale.” This agenda change request is being submitted by the Department of Fish & Game to bring state law in compliance with federal law.

c) to correct an effect on a hunt that was unforeseen when a regulation was adopted: N/A

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? State regulations will remain in effect that conflict with federal regulations, potentially causing hunters to violate federal law. The conflict spans two regions on

different meeting cycles, with Region V scheduled for its next meeting in spring 2017 and Region IV in spring 2018. By fully addressing the problem in spring of 2016 the erroneous regulation will only be in effect for one more year.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. The Department believes the changes to this regulation are technical corrections and do not focus on allocation of the wildlife resources among users.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. N/A

STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR. Department of Fish & Game, hunt manager.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING. This ACR has not been submitted previously.