

# Definitions

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**PROPOSAL 1 - 5 AAC 92.990(a)(47). Definitions.** Remove hovercraft and airboats from the definition of motorized land vehicles as follows:

Amend 5 AAC 92.990(a)(47) by deleting "includes hovercraft and airboats;"

**What is the issue you would like the board to address and why?** Hovercraft and airboats are defined twice in regulation. Once as a "boat" under 5 AAC 92.990(a)(10) and again in 5 AAC 92.990(a)(47) as "motorized land vehicles." Hovercraft and airboats are not motorized land vehicles.

**PROPOSED BY:** Alaska Outdoor Council (EG-C15-080)  
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**PROPOSAL 2 - 5 AAC 92.990(a)(5)(A). Definitions.** Modify the definition of ATV as follows:

Amend 5 AAC 92.990(a)(5)(A) by deleting "operated on land weighing less than 1,000 pound dry weight."

**What is the issue you would like the board to address and why?** A number of all-terrain vehicles (ATV) manufactured today have a dry weight of over 1,000 pounds. Defining an ATV as a motorized, tracked vehicle, or a vehicle with four or more wheels, operated on land weighing less than 1,000 pounds dry weight excludes a number of motorized vehicles weighing over 1,000 pounds dry weight that are also all terrain vehicles.

ATV weight restrictions are an inappropriate standard for determining whether or not a vehicle is causing habitat damage. Pounds per square inch of surface area would be a more appropriate measuring standard for restricting ATV use while hunting.

**PROPOSED BY:** Alaska Outdoor Council (EG-C15-079)  
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**PROPOSAL 3 - 5 AAC 92.990. Definitions.** Establish a definition for general hunt as follows:

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

**What is the issue you would like the board to address and why?** New definition; define general hunts. The term general hunts appears mainly in 5 AAC Section 85 (in codified) hunting seasons and bag limits. The other term used is subsistence hunts. (Both are used somewhat randomly.) Some have no designation. We need to keep subsistence opportunity or allocation

separate from non-subsistence opportunity. This new definition is needed to keep the harvest accounted for by who is eligible and the choice or level the user participates in.

If you research Section 85 you will find many inconsistencies of our issue. Examples of three but there are many more:

1.) 85.025 20E Fortymile caribou. This population has a positive C&T, yet no designation of subsistence or general season. How do users know what kind of hunt they are participating in? How is the harvest accounted for? Was the resident harvest all subsistence? Are all residents participating as subsistence users?

2.) 85.045 25B moose. This population has a positive C&T and has been designed as a general hunt. Clearly it is a subsistence opportunity.

3.) 85.056 wolves, 85.057 wolverine, and 85.060 furbearers. Outside any of the non-subsistence all these game have a positive C&T, yet designed as a general hunt.

What we are pointing out here is how do Alaskans know if they are participating in a subsistence allocation or not? Does an individual want to participate in a subsistence hunt? And how do we record the harvest, subsistence or other uses? This becomes real important data when determining ANS. We should also expect consistency in our regulations.

We also will point out in each section of game (Sec. 85) species it says: “(a) in this section, the phrase “general hunt only” means that there is a general hunt for residents, but no subsistence hunt, during the relevant open season. For those units or portions of units within the non-subsistence areas established by the Joint Board of Fisheries and Game (5 AAC 99.015), there is a general hunt only.” This also seems inconsistent with how it is applied as we pointed out and you can review throughout Sec. 85. (Most notable in 85.056–060)

Lastly this also complies with the regulatory definitions of tier I and tier II. As both state “means the circumstance where the board has identified a game population that is customarily and traditionally used for subsistence.” Tier I goes on to state “and where it is anticipated that a reasonable opportunity can be provided to all residents who desire to engage in that subsistence use.” Tier II also states further in regulation, “and where, even after non-subsistence uses are eliminated, it is anticipated that a reasonable opportunity to engage in that subsistence use cannot be provided to all residents eligible at tier I who desire to participate.”

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EG-C15-051)  
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**PROPOSAL 4 - 5 AAC 92.990(a)(6). Definitions.** Amend the definition of bag limit as follows:

In the definition of bag limit replace the word "take" with "kill.”

So the new definition of bag limit - the maximum number of animals of any one game species a person may **kill** [TAKE] in the unit or portion of a unit in which the **killing** [TAKING] occurs[;

AN ANIMAL DISTURBED IN THE COURSE OF LEGAL HUNTING DOES NOT COUNT TOWARDS A BAG LIMIT]

**What is the issue you would like the board to address and why?** The definition of bag limit is excessively inclusive and not clear because it includes the word "take." The word "take", which has been defined in legislation and cannot be changed by the Board of Game, includes "attempting to take, pursue, hunt, fish, trap or in any manner capture or kill fish or game." The word "take" should be removed from the definition of bag limit and could be replaced with either the word "killed" or the words "killed or mortally wounded." This definition can be changed by the Board of Game.

Under the current definition of bag limit, if a hunter attempts to hunt black bear in Unit 16 and is not successful in even seeing a bear, that hunter may not legally pursue or hunt a bear in Unit 16 (bag limit of one bear) because he has already taken one or more bear in Unit 16 merely by attempting to hunt them.

**PROPOSED BY:** John Frost (EG-C15-114)

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**PROPOSAL 5 - 5 AAC 92.990(a)(26). Definitions.** Modify the definition of edible meat for all game birds as follows:

92.990(a)(26) "edible meat" means, in the case of a big game animal, except a bear, the meat of the ribs, neck, brisket, front quarters, hindquarters, and the meat along the backbone between the front and hindquarters; in the case of a bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); **For all game birds, the meat from the breast, back, thighs, legs, wings, gizzard and heart;** [IN THE CASE OF SMALL GAME BIRDS, EXCEPT FOR CRANES, GEESE AND SWAN, THE MEAT OF THE BREAST; IN THE CASE OF CRANES, GEESE, AND SWAN, THE MEAT OF THE BREAST AND MEAT OF THE FEMUR AND TIBIA-FIBULA (LEGS AND THIGHS);] however, "edible meat" of big game or small game birds does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably...

**What is the issue you would like the board to address and why?** Define edible meat for all game birds to reduce or eliminate wanton waste of migratory birds, consistent with the proposed language of the spring/summer subsistence hunt. This proposal is up for adoption by the Service Regulations Committee of the U.S. Fish and Wildlife Service in 2015.

During the Spring 2015 Alaska Migratory Bird Co-Management Council (AMBCC) meeting wanton waste language was adopted for the spring/summer subsistence harvest season defining edible meat as: the meat from the breast, back, thighs, legs, wings, gizzard and heart. However, the head, neck, feet, other internal organs and skin are optional.

The Yaquillrit Kelutisti Council would like the fall hunt to be consistent with the spring/summer subsistence regulations proposed by the AMBCC for the 2016 season. The customary and traditional practices in our region and all the included areas participating in the spring/summer

subsistence season defined by the AMBCC utilize the entire bird. Although the Yaquillrit Kelutisti Council is comprised of migratory bird harvesters in Units 9B, 9C, 9E, 17A, 17B and 17C, we feel that there is support for this language to be adopted throughout the state of Alaska.

**PROPOSED BY:** Yaquillrit Kelutisti Council (EG-C15-121)  
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**PROPOSAL 6 - 5 AAC 92.990(a)(46). Definitions.** Modify the definition of a moose antler as follows:

92.990(a)(46)(B) "spike-fork antlers" means antlers of a bull moose with only one or two tines on at least one antler, **antler projections originating within two inches of the base of the antler and less than three inches in length will not be counted as a tine**; male calves are not considered spike bulls;

**What is the issue you would like the board to address and why?** We feel that burl points in excess of an inch, and less than three inches, are beyond what should be required of a hunter to see from a reasonable distance. These points may be easily blocked from view by the hair or ear.

**PROPOSED BY:** Wrangell Fish and Game Advisory Committee (EG-C15-029)  
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**PROPOSAL 7 - 5 AAC 92.990(a)(61). Definitions.** Clarify the definition of antler point as follows:

Amend 92.990(a)(61) "point" means any antler projection that is at least one inch long, and that is longer than it is wide[, MEASURED ONE INCH OR MORE FROM THE TIP];

**What is the issue you would like the board to address and why?** In the current definition of antler or tine, there seems to be some unclear language. If a tine or point has to be at least one inch long and is longer than wide. So what does "measured one inch or more from the tip" mean or what is the significance of this phrase?

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EG-C15-057)  
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