

PROPOSAL 55 – 5 AAC 92.019. Taking of big game for certain religious ceremonies.
Combine the regulations allowing the take of big game for religious ceremonies and ceremony potlatches as follows:

Amend: 5 AAC 92.019. Taking of big game for certain religious **and ceremony potlatches** [CEREMONIES]

(a) The hunting and taking of game species having a positive finding in 5 AAC 99.025, outside the seasons or bag limits established in 5 AAC 85, for use in this state as food in customary and traditional Alaska Native funerary, [OR] mortuary religious **or potlatch** ceremonies [WITHIN 12 MONTHS PRECEDING THE CEREMONY IS AUTHORIZED IF] consistent with sustained yield principles.

(b) The department shall publicize a list of game populations and areas, if any, for which the taking of game is inconsistent with sustained yield principles. It is the hunter's responsibility to contact the department 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 **big** game under this section, [except that in nonsubsistence areas, described in 5 AAC 99.015, and the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest Area defined in 5 AAC 92.074(d),] a ceremonial **or potlatch** harvest report form, provided by the department, must be obtained and jointly completed by the hunter and the tribal chief, village council president, clan leader, traditional Native head of family, or clan leader's designee for the village associated with the customary and traditional Alaska Native funerary, [or] mortuary religious ceremony, **or potlatch**.

(d) the department may limit the amount of big game to be harvested

(1) by unit or area

(2) by sex

(3) females with offspring

(4) amount of big game

(5) time frame

(i) reporting of harvested big game will be reported no later than 15 days after harvest or permit requirement.

(ii) permit must be in possession of hunter/hunters and upon request from a peace officer of the state or authorized department person. A permittee may not refuse to present it or any big game in possession.

[(D) BEFORE GAME IS TAKEN UNDER THIS SECTION A TRIBAL CHIEF, VILLAGE COUNCIL PRESIDENT, CLAN LEADER, TRADITIONAL NATIVE HEAD OF FAMILY, OR THE CHIEF'S, PRESIDENT'S, TRADITIONAL NATIVE HEAD OF FAMILY,

OR CLAN LEADER'S DESIGNEE FOR THE VILLAGE ASSOCIATED WITH THE RELIGIOUS CEREMONY, MUST NOTIFY THE NEAREST OFFICE OF THE DEPARTMENT THAT A HUNT FOR GAME 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, CLAN LEADER, TRADITIONAL NATIVE HEAD OF FAMILY, OR DESIGNEE MUST MAINTAIN RECORDS OF THE SUCCESSFUL HUNTERS AND THE DECEDENTS FOR THE CEREMONY, AND MAKE THAT INFORMATION AVAILABLE TO AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT UPON REQUEST. THE TRIBAL CHIEF, VILLAGE COUNCIL PRESIDENT, CLAN LEADER, TRADITIONAL NATIVE HEAD OF FAMILY, OR DESIGNEE MUST NOTIFY THE DEPARTMENT OF THE LOCATION, 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.]

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

(1) the person is a resident of this state;

(2) the person must possess a valid hunting license.

[(2)] **(3)** the hunting or taking was authorized under this section and the meat was used in a customary and traditional Alaska Native funeral [OR] mortuary religious **potlatch** ceremony; and

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

(f) This section does not authorize the taking of game in areas where hunting is prohibited or when prohibited by a federal law that preempts state laws on point.

(g) In this section, "traditional Native head of family" means a person who, according to an Alaska Native tradition, is viewed as a head of a family and is charged with duties similar to those of a tribal chief, village council president, or clan leader regarding traditional Alaska Native funerary or mortuary rites.

What is the issue you would like the board to address and why? To centralize ceremony potlatches and religious ceremonies within the codified. The intent is to repeal 5 AAC 92.053, 92.017, and 92.055, and merge into 92.019, but these regulations were not on the Call for Proposals.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee

(EG-F17-096)
