

## **PROPOSAL 112**

### **5 AAC 92.037. Permits for falconry.**

Increase nonresident opportunity for acquiring raptors as follows:

5 AAC 92.037 (g)(5) up to five permits for taking, transporting, or possessing a raptor for falconry by a nonresident shall be issued annually by the department to

Nonresident take permits for raptors shall have the same quotas as resident take

(7) take is limited to one passage, hatching-year raptor; to take is limited to two raptors either eyas or passage, hatching- year-raptors;

Include all raptors in section (f) for nonresidents.

**What is the issue you would like the board to address and why?** This proposal is a request to modify existing Alaska provisions regulating nonresident harvest of raptors in order to ensure reasonable access to a healthy resource and provide equal opportunity for all interested parties. We anticipate the following will fulfill falconry demand for the foreseeable future while remaining well below sustainable harvest numbers consistent with scientifically sound principles:

Adopt the same raptor take season for nonresidents as has been adopted for Alaska residents.

Allow nonresidents to take eyas as well as passage birds of all other falconry raptors with no quotas. Eyas harvest improves the survival of the eyas itself as well as the siblings.

Harvest limit of two birds, depending on the falconer's ability to take two raptors during the previous 12-month period. This is currently the federal and state law. Birds with quotas should be limited to one tag per applicant, after the draw period is over any unissued tags should be available at the counter on a first come first serve basis.

Peregrine harvest would be 20-30 nestling ("eyas") or juvenile ("passage," i.e., first year immature birds) peregrine falcons. This is based on the recommended harvest of peregrines by the US Fish and Wildlife Service (USFWS) environmental assessment (EA) 2008 in Alaska of 41 birds.

Nonresident Gyro falcon harvest should be based on the same rules for resident harvest. There is only one place in the United States for a falconer to harvest a Gyro falcon eyas, and that is Alaska. This resource should be available to any falconer who is a United States citizen.

Arguably the most desirable falcon for nonresident take is the peregrine falcon. Alaska populations have always been robust and since the anatum subspecies was removed from the endangered species list in 1999 it is considered fully recovered beyond all expectations throughout the U.S. As a result the USFWS conducted an EA in 2008 on the take of peregrine falcons for use in falconry. Based on this EA, the USFWS originally limited the take of the EA published a very conservative allocation of take of peregrines in 2009 through 2017 of 36 passage peregrine falcons anywhere in the United States east of 100 degrees West longitude. See 73 FR 74508, December 8, 2008. The USFWS based this figure on a management strategy "[w]hich incorporated three important safeguards to ensure against negative impacts from authorized falconry take on peregrine falcons

across their range.” The same EA, which was agreed to by the states, allows for the harvest of 41 in Alaska of which only a small percentage are harvested each year. The USFWS has since published updated findings and regulations which increased the take limit for passage peregrines by five (5) times, to 144 peregrine falcons, based on new available evidence of the actual robust peregrine breeding populations in Alaska, Canada, and lower 48 states. *See* Vol. 82, No. 174 FR 42700, September 11, 2017.

In order to provide maximum opportunity for both resident and nonresident falconers we propose a minimum of 25 nonresident permits plus the following method of selection for the distribution of additional permits that are unwanted by resident falconers:

Multiply by two the average quantity annually harvested by resident falconers over the prior three years. Deduct the three-year average from the allowable harvest of 41 and this would be the number of additional permits available to nonresident falconers.

The proposed nonresident take level for peregrines is a very conservative number and the harvest of this quantity is far below any measurable amount. The other more desirable raptor is the gyrfalcon which has never been endangered or threatened and is plentiful in Alaska, thus we believe no quota is necessary. Should a quota be required on the gyrfalcon for nonresident harvest we believe that 40 would be sufficient to satisfy the demand given the limited number of licensed falconers in the lower 48.

Historically, in 2011 the American Falconry Conservancy (“AFC”) drafted a proposal (P40) with the assistance of several Alaska falconers to allow nonresident take of raptors, and we submitted the proposal to the Alaska Board of Game (BOG). During the 2012 statewide meetings cycle, BOG received a substantial amount of testimony and comment on the proposal. The science- and legal based testimony reasoned that the Alaska raptor resource was healthy, and that there was no justification for not allowing nonresident take of raptors. Testimony included Alaska Department of Fish and Game (ADF&G) summaries of raptor numbers, the manner in which USFWS derived their conservative 5% take levels, the support of both resident and nonresident falconers, the concerns of a few Alaska resident falconers, and discussions on all of the concerns. At the January 2012 meetings, the BOG decided to defer their decision on P40 until the 2014 cycle.

During the 2014 cycle, the BOG resumed their discussions on nonresident take of raptors (P40 renumbered P174) and adopted ultra conservative provisions. The BOG allowed for the issuance of five nonresident take permits annually and placed a tight restriction on the take season, especially for peregrines. Federally, Alaska peregrines may only be taken as juveniles during a season that ends on September 31, and the Alaska provisions do not allow nonresidents to take peregrines until September 15. This allows nonresidents only a two-week window to harvest peregrines.

Additionally, despite ADF&G’s recommendation to allow seven nonresident permits annually, including eyases (See P174 A (RC72) of the March 2014 board meetings), and the BOG’s decision to allow five nonresident permits, ADF&G limited their permit issuance to only three in 2014. It was noted by ADF&G that their original seven permit recommended limit was based on a percentage of what Alaska resident falconers harvest, not on resource sustainability.

During the 2016 cycle, the BOG declined to approve a proposal to modify the nonresident permit regulations citing a preference to wait until the next review cycle. Subsequent to this cycle, the ADF&G did opt to allow issuance of the five permits authorized by the BOG.

The following documents are applicable to this proposal and are incorporated by reference:

1. AFC Written Testimony at January 2012 BOG Meetings (RC22).
2. ADF&G Presentation on Falconry at January 2012 BOG Meetings (RC24).
3. ADF&G Proposal 40 Presentation at January 2012 BOG Meetings (RC62).
4. ADF&G Presentation on Proposal 40 and Alaska Raptor Populations at January 2012 BOG Meetings (RC125 & RC126).
5. ADF&G Preliminary Recommendations on Proposals for January 2012 BOG Meetings.
6. December 29, 2011 Memorandum from AAG, Kevin Saxby to BOG.
7. Kodiak AC Comments on Proposals at January 2012 BOG Meetings (AC27)
8. February 17, 2012 Letter from AFC to BOG, Follow-up to January 2012 BOG Meetings.
9. ADF&G Proposal 174 A at March 2014 AKBOG Meetings (RC72).
10. Kodiak AC Comments on Proposals at March 2014 BOG Meetings (AC13
11. March 24, 2014 Letter from AFC to BOG re March 2014 Meeting Decision on Non-resident Take of Raptors.
12. April 24, 2015 Letter from AFC to BOG re Proposal to increase the allowable harvest of raptors by nonresident falconers
13. Final Revised Environmental Assessment, Management Plan, and Implementation Guidance: Take of Nestling American Peregrine Falcons in the Contiguous United States and Alaska for Use in Falconry, USFWS, March 2004.
14. Final Environmental Assessment: Take of Raptors From the Wild Under the Falconry and the Raptor Propagation Regulations, USFWS, June 2007.o
15. Final Environmental Assessment and Management Plan: Take of Migrant Peregrine Falcons From the Wild For Use in Falconry, and Reallocation of Nestling/Fledgling Take, USFWS, August 2008.
16. Migratory Birds; Take of Peregrine Falcons for Use in Falconry. Vol. 82, No. 174 FR 42700, September 11, 2017.

AFC thanks the Alaska Board of Game for their consideration and we continue to offer our assistance in this important matter.

**PROPOSED BY:** American Falconry Conservancy (EG-F20-040)  
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