



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Public Safety

DIVISION OF ALASKA WILDLIFE TROOPERS  
Office of the Director

5700 East Tudor Road  
Anchorage, Alaska 99507-1225  
Main: 907.269.5509  
Fax: 907.269.5616

February 28, 2022

Chairman Jerry Burnett  
Alaska Board of Game  
P.O. Box 115526  
Juneau Ak, 99811-5526

Dear Chairman Burnett:

The following comments give a brief description of the positions that the Department of Public Safety, Division of Alaska Wildlife Troopers have on the proposals that are up for consideration at the march 2022 statewide meeting in Fairbanks.

In general, when the board considers seasons and or bag limit changes, the Alaska Wildlife Troopers request that every effort possible be made to align the season dates and bag limits with adjacent game management units and/or subunits. This is mainly due to enforceability of multiple seasons in multiple locations as well as consistency of the regulations for the public. When the board considers proposals having to do with allocation or biological concerns, AWT is generally neutral in position.

AWT recognizes that regulations are developed by the Alaska Boards of Fish and Game through the public process to support management plans. Further, all management plans rely upon public compliance with regulations to achieve success. Enforcement is a crucial element needed to ensure long-term compliance with regulations by the public. The Alaska Wildlife Troopers request the board recognize that the division has limited resources and manpower and any new regulation scheme or area restrictions may place an additional burden on AWT.

Comments on specific proposals are included in this letter.

Thank you for your time,

A handwritten signature in blue ink, appearing to read "Derek DeGraaf".

Captain Derek DeGraaf  
Alaska Wildlife Troopers

## **Proposal 101**

### **5 AAC 92.990(11). Definitions. Change the definition for bows to include crossbows as follows:**

AWT is neutral, however the terms “bow” and crossbow” are defined in 5AAC92.990 under separate definitions and combining them would cause confusion. Use of bows are currently allowed in restricted weapon hunts, however in many cases crossbows are not. Adding “crossbow” to the “bow” definition would result in changes needed in 5AAC 92.085. Crossbows are already allowed in certain applications for hunting as provided in 5AAC92.085(15).

## **Proposal 102**

### **5 AAC 92.990. Definitions. Establish a definition for “primitive weapons” to include crossbow, longbow, shotgun, and muzzleloader as follows:**

AWT is neutral, however crossbow, longbow, shotgun, and muzzle loader are already defined in regulation. Combining them into one category would cause confusion, make it difficult to enforce. Some restricted weapon hunts only allow for the use of one of these four weapons and combining them under one “primitive weapons” definition would put multiple method and means regulation in conflict making it difficult to enforce.

## **Proposal 103**

### **Clarify whether hay and grain are considered as “hunting gear” and align the Wood River CUA closure dates.**

AWT is neutral in respect to changes of the closure dates for the Yanert CUA, however we think it would clean things up if they were the same, as there would be less confusion among resource users. But we can enforce it either way. In a perfect world they’d be the same.

AWT supports creating a definition of what “hunting gear” is. The term is used multiple times in 5AAC 92 and AWT receives calls every year regarding what “hunting gear” is. For example, horse feed or hay has come up several times and AWT’s stance has been if it is for the purpose to feed horses that are used for hunting, then it is gear. The direction has been items that are mobile in nature and used for hunting, which includes, but is not limited to the pursuit and retrieval of game, is hunting gear. A freezer hauled into a temporary moose camp would be hunting gear since it is brought to an area to support the pursuit and retrieval of game. When making a definition or clarifying what hunting gear is, it is encouraged to not think only about when the term is used in reference to one regulation, but all regulations that it is referenced in. For example, when hunting gear is used in the helicopter prohibition. The use of a helicopter is unlawful in any manner, including transportation to, or from, the field of any unprocessed game or parts of game, any hunter or hunting gear, or any equipment used in the pursuit or retrieval of game. The use of helicopter prohibition is broader than just hunting gear as it includes any equipment, but again equipment is not defined. If a cabin is not hunting gear, then one might consider the tools, lumber and other items used to create the cabin is equipment, and therefore cannot be transported to the field with a helicopter if the cabin is going to be used in the pursuit and retrieval of game. AWT encourages clearly defining what hunting gear is and creating a letter of intent regarding the use of

helicopters prohibition. For years AWT has been asked if a person can hunt out of a cabin that they know was hauled in by a helicopter and the answer has been no. More recently with the increase in both commercial and privately owned helicopters AWT is being asked can a helicopter be used out of hunting season to land in a remote area with tools to create a fixed wing landing strip. When answering this AWT asks is the landing strip going to be built with tools (equipment) and is the strip going to be used in the pursuit or retrieval of game? If they then know the helicopter is being used for that, then it is unlawful.

#### **Proposal 104**

AWT is neutral, but agrees anytime we can clean up definitions, normalize nomenclature, provide clarity, and reduce confusion, the less likely there will be mistakes or enforcement issues.

#### **Proposal 109**

AWT supports this proposal by requiring microchipped raptors to be entered into a registry, this would assist law enforcement with investigative efforts in Alaska, or after a raptor is removed from the state.

#### **Proposal 120**

AWT supports this and considers it a house cleaning proposal to clarify intent.

#### **Proposal 121**

**5 AAC 92.085. Unlawful methods of taking big game; exceptions. Allow the use of dogs to hunt big game as follows: The use of dogs is permitted to hunt, track, and retrieve large game.**

AWT is neutral. The use of dogs is currently allowed for tracking wounded game, and to take black bears by permit per 5AAC92.085(5). It may also be difficult for AWT to determine if dogs were chasing big game for legal hunting purposes, or whether it is a group of domestic dogs harassing big game illegally as they are likely to be some distance away from the hunter. AWT currently routinely investigates domestic dogs harassing and chasing game. This would also likely increase reports from the community of such activity and require more AWT time to investigate to determine if it's a legal or illegal activity. Dogs may also take non-target game and game that may be illegal to take.

#### **Proposal 127**

AWT is neutral, however if passed, the BOG should clarify what caliber projectiles can be use, what PSI/FPS must be used. AWT would have difficulty enforcing an appropriate caliber size requirement because there is no regulation defining a the "appropriate caliber size for the game" pertaining to air rifles. Without clarification it would be difficult to enforce.

#### **Proposal 129**

**Use of soft-point bullets only for big game.**

AWT is neutral, however we would have some difficulty enforcing this. We would certainly want the

regulation to state something along the lines of “in one’s possession while in the field taking game.” We wouldn’t want to be tasked with enforcing “shooting” game and having to do a necropsy on every animal. Therefore, if a hunter simply had that ammo in their possession, we “could” cite. The other part of that is being able to identify a round by looking at the bullet. That may be a tough task as not all bullets are easily identified. Simply having a manufacturers box for identification means nothing. AWT may have difficulty determining nonexpanding from an expanding bullet while in the field checking hunters. There are numerous expanding ballistic tip bullets that look similar to non-expanding full metal jacket bullets. There are also all copper bullets that look very similar to full metal jacketed bullets that would be difficult to determine legality. Caliber size, lead or steel shot is easy to determine because it is listed on the shell casing. However nowadays bullet composition is not as easily determine without seeing the box in which the bullet type band is listed. We would want to make sure the board addresses using reasonable verbiage to allow us to be as successful in enforcing it as we can.

### **Proposal 131**

#### **5 AAC 92.210. Game as animal food or bait.**

Allow the use of game bird wings and backs to be used for trapping bait as follows:

AWT is neutral if it is applied to all game birds. If only certain game birds were allowed then it may be difficult to determine if the bird wing or backbone was from swan, crane or goose, and not from a prohibited game bird while at a trap site. AWT strives to check traps site in a manner that is the least distributive to the trap site so having bait that is easily to identify as being legal helps that effort.

### **Prop 132**

AWT is neutral but has the same concerns as the previous proposal.

### **Proposal 134**

#### **Allow cellular trail cameras for trapping**

AWT is neutral on this, however if passed, we think this could create enforceability issues because currently wireless game cameras are not allowed for use in hunting. The proposal seems to request that it be legal to only send wireless messages once an animal is in the trap and not prior to being caught. AWT would have difficulty determining if the communication device was sending messages prior to an animal being caught in the trap without undo manipulation of the device. Or having to access a person’s cell phone or computer to see when messages were sent. It would be easier to enforce if the proposed regulation would allow for the use of wireless communication devices to “take” only furbearers at the trapping site. The term “take” is a defined term in regulation and would allow for the communication device to be active during the whole trapping process, and not just after the animal was caught in the trap. This would also prevent an individual from accidentally violating the regulation if his communication device inadvertently sent communications prior to an animal being caught

in their trap. It will be very difficult for AWT to determine how the camera is being used, therefore making such a regulation challenging to enforce. If a hunter with a hunting/trapping license has a trap line set, and is using a wireless game camera, he/she could not go out hunting with such a wireless camera deployed, as they would be in violation. How would we enforce this?

### **Prop 135, 136, 137, 138, 139**

#### **5 AAC 92.085. Unlawful methods of taking big game; exceptions.**

Repeal the restriction on the use of aircraft for locating Dall sheep for hunting as follows:

AWT is neutral. In 2017 AWT submitted this comment during the statewide meeting when an attempt was made to change this regulation. *“The board should avoid creating regulations that are extremely difficult to enforce. While some in the public will choose to follow these regulations, the others that choose to not follow the regulations will not be held accountable. This creates a scenario where law abiding citizens are held to a different standard than law breakers. The long-term outcome will be that the regulation will be ineffective. The Alaska Wildlife Troopers ask that the board carefully review the benefit of the current regulation and compare that to enforceability.”* Since then, AWT has made some observations about this regulation. While it may have initially been created to take the ease out of spot-and-land-and-camp one-night hunts, it has provided the benefit of improving the quality of the hunt for sheep hunters as reported by hunters to AWT. In the days of everyone carrying a high-resolution video camera with their phone, the mountain bowls have become quieter, and the quality of the hunt has improved, in regard to airplane traffic/noise. If this was intent of this regulation, it has worked. However, with regards to the enforceability of the regulation this is without question, a difficult regulation to enforce, we have not made any cases with this regulation. If repealed, it has been suggested that a potential regulation to mimic the intent of 5AAC 92.085(8) could be 5AAC 92.080 (5) Unlawful methods for taking game by the use of a motorized vehicle to harass game or for the purpose of driving, herding, or molesting game.

### **Proposal 141, & later 236, 237**

#### **5 AAC 92.044. Permit for hunting bear with the use of bait or scent lures. Require bear baiting sites to be at least one mile apart as follows:**

AWT is neutral. AWT could enforce this proposal as we do other distance requirements for bear baiting stations. However, it may be difficult for the public to know if they are within 1 mile of another hunter’s bear bait station. AWT is provided the bear bait registration permit information which provides a general location to the site, and sometimes even with this information, the site is difficult to locate. Without this information the public would have a much harder time abiding by this regulation.

### **Proposal 148**

#### **5 AAC 92.031. Permit for selling skins, skulls, and trophies. Allow persons over the age of 65 to sell trophies**

**and rugs:**

AWT is neutral, there are no enforcement concerns if a permit was required. However, a lot of extra investigation would be required by AWT to determine eligibility if no permit was required.

### **Proposal 158**

#### **5AAC 92.210 Game as animal food or bait**

AWT is neutral, however it is imperative the regulation is worded properly. Imagine you're one of the hunters who didn't get a moose to feed his family this year, and yet, someone is feeding moose meat to dogs. The optics on this situation are poor. We suggest looking at the language in 5 AAC 92.040 which governs the use of roadkill as trapping bait. There needs to be a two pronged approach to this; 1.) for the meat to be used as dog food, the game MUST be furnished by the State, and 2.) a permit MUST be required. This provides accountability for this meat. It would be very hard to enforce if we simply allowed "meat not edible for human consumption" to be used as dog food. A solution could be to model this after 5 AAC 92.040, the trapping bait provision. *"The department may issue a permit to use game meat furnished by the State, as dog food. A person using game meat as dog food shall post a notice at the site indicating the permit number."*

### **Proposal 160**

#### **5 AAC 92.220. Salvage of game meat, furs, and hides. Clarify the wanton waste regulation to specify that game animals taken by domestic pets must be reported and salvaged for human consumption, as follows:**

AWT is neutral. However, this proposal would have enforcement conflict with 5AAC92.085 (5) which prohibits someone from using a dog for taking big game with few exceptions. 5AAC92.140(a)(d) prohibits someone from possessing game taken illegally or without permits. Game taken and possessed must be salvaged and immediately surrendered to state. This proposal would allow a person one year to report or surrender the animal to the state. It would be difficult for AWT to enforce this regulation as proposed, and there are regulations on the books that can be used to address this issue.

### **Proposal 161**

#### **5 AAC 92.220. Salvage of game meat, furs, and hides. Change the salvage requirement for sheep, goat and deer to all meat on the outside of the ribs:**

AWT is opposed. AWT would have a difficult time enforcing this proposed regulation because the term "outside of the ribs" would be difficult to determine. What meat would be considered outside the ribs, versus the meat between the ribs. Enforcing this regulation with consistency would be challenging in real world application. The current definition of "edible meat" in regulation states, "meat of the ribs" and is much easier to identify and more enforceable. We do not need more excuses to waste game meat.

### **Proposal 163**

Count wounded big game towards hunter's bag limit, and one in every four years.

AWT is neutral but supports this proposal as we think it clears up an area left open to interpretation and subjective application. AWT would likely struggle to enforce this somewhat, as we would need to prove elements from the scene, which is often unknown. Counting a wounded animal, you know is wounded is certainly the ethical thing to do.

### **Proposal 166**

**5 AAC 92.012. Licenses and tags. Amend the requirement for licenses and tags to include game legally taken with dogs and cats:**

AWT is neutral. However, 5AAC92.085 already prohibits the use of dog to take big game with a few exceptions. Adding another regulation for the same offence would cause confusion and would likely be hard to enforce.

### **Proposal 167**

**5 AAC 92.230. Feeding of game.**

AWT disagrees. AWT has successfully used the current feeding game regulation to prevent, deter, and prosecute persons who negligently feed game. This proposal would only complicate enforcement of the issue by providing an affirmative defense for feeding game. For example, there are many feeders that may be designed to keep bears out but still fail and the bear gets the food. Providing the affirmative defense would only make it more difficult to instruct a person to change their animal feeding practices. Currently, if a game animal is being negligently feed by any means we can advise the person to change practices with the warning of being cited if they don't comply. Most people comply and the problem is solved. AWT doesn't need this proposed regulation change to enforce person negligently feeding game.

### **Proposal 169**

**5 AAC 92.XXX. New regulation. Prohibit the harvest of white animals as follows: No white animals should be harvested for any reason as it violates Native American religion.**

AWT is neutral, however AWT would require further definition of "white animals" to be able to enforce proposed regulations.

### **Proposal 171**

AWT is neutral and has no enforcement concerns of the proposed boundaries. ADF&G can have hunt boundaries within a GMU or subunit already and there is no real enforcement need that we can find to create a new subunit for only one species (moose). It appears this proposal could create user conflict, that is it will pit one resource

user against another, an “up-river vs down-river” conflict when there is potentially no enforcement or biological concern to split the GMU.

### **Proposal 172**

#### **Clarify the legal use of highway vehicles, snow machines and off-road vehicle in the DHCMA for hunting /trapping.**

AWT is neutral. Dalton Highway regulations are out of date and have many enforcement sections. The regulation itself is a bit of a mess and problematic to enforce both from a legal standpoint and a practical one. You are not allowed to transport game with a motorized vehicle farther than ¼ mile from the highway. Technically the Coldfoot Airport is farther than that from the Dalton Highway, AWT isn't issuing citations to people who drive their vehicle to Coyote Air then fly out and bring game back. The identified allowable boat launches are unusable, the rivers have moved away from them and now boaters drive out along the gravel bars to get to the river to launch, AWT isn't issuing them citations. There are more winter roads now than in the original plan to villages like Anaktuvuk Pass. There is no mention of the road to Wiseman, which is further than ¼ off the Dalton, so the residents there would be breaking the law by transporting game to their house. The statutes: Alaska Statute Sec. 16.05.789. Prohibition on hunting adjacent to the highway between Yukon River and the Arctic Ocean, and Alaska Statute Sec. 19.40.210. Prohibition of off-road vehicles governs hunting with firearms and off-road motorized use within the five-mile corridor. 5 AAC 92.530(7) DHCMA just muddies the water. If you don't repeal it, AS16.05.789 and AS19.40.210 would still be in effect but there would be no management area in conjunction with it. It would reduce some of the regulation of the corridor and make it somewhat simpler but not by much. Off highway vehicles would still be prohibited within the corridor as would hunting with a firearm. It would however allow for the use of highway vehicles on all the roads currently inside the corridor.

### **Proposal 173**

Repeal the Dalton Highway Corridor management area

AWT is neutral, if the corridor went away tomorrow, we would not have enforcement concerns. But this would only remove the regulation, not the statute.

### **Proposal 196**

Allow ADFG to utilize a targeted hunt for registration caribou hunts in unit 20, 25.

AWT is neutral to this concept as long as it's clear who should be hunting, and when. If the plan is, to issue X permits 8/1-10, 8/10-20 and so on, and only the dated permittees can be up there, we could endeavor to enforce that. Outside of 2020, the overcrowding hasn't been a big issue. Last winter and this winter hunts have been quite the opposite.

### **Proposal 232**

**5 AAC 92.095. Unlawful methods of taking furbearers; exceptions. Allow the use of dogs to recover wounded furbearers as follows:**



AWT is neutral, however we have the same concerns as the other proposals regarding the use of dogs.

#### **Proposal 234**

**5 AAC 92.080. Unlawful methods of taking game; exceptions. Allow use of stationary game cameras that transmit photos wirelessly as follows.**

AWT is neutral. Solution #1 in the proposal would not pose any foreseeable enforcement concerns because AWT would not have to determine if camera was sending communications, but only that it was within 100' of a registered bear baiting site. Solution#2 would be more difficult to enforce because AWT would have to determine when the camera had sent the communications and when the hunter entered the field to comply with the 0300 time allowance. Solution #2 would require AWT to access the cameras functions, and likely the hunters cell phone or computer to see when communications were sent, which causes enforcement concerns.

#### **Proposal 235**

Allow artificial light while hunting small game that have no closed seasons or no bag limit

AWT would have enforcement concerns and safety concerns for this proposed regulation. There are multiple other regulations on the books that prohibit the use of artificial light to take game, and big game. Spotlighting deer, moose, and other game animals with artificial light is a very common violation and reported problem throughout the state. Many cases are made by AWT especially in Southeast. There are only a few exceptions to using artificial light to take game and it is a very limited practice. Also, with no closed season for many small game animals, the spotlighting could occur during deer and moose seasons, and it be hard to distinguish between legal small game hunting and illegal big game spotlighting activity. If this regulation was adopted, AWT would expect to see many more spot lighting complaints that needed to be investigated. This would also give a good excuse and possible defense to poachers who are out spotlighting big game during night-time hours. Finally discharging firearms at night in the field increased the likely hood of someone being injured or killed by accident. This would mean more shots down range in dark and increase the chance of an accident. If this proposal were passed, we would ask GMU's 1-5 to remain prohibited.

#### **Proposal 230**

**5 AAC 92.990(a)(30). Definitions. Change the definition for "full-curl horn" as follows:**

AWT is neutral. A "full-curl horn" is defined as having at least one of three qualifying features for it to be a legal full curl horn. One qualifying feature is that the ram must be 8 years of age as defined by age rings on the horns. This requirement has been successfully enforced by AWT for many years without problem. Changing the age requirement from 8 to 7 years would not likely cause any enforcement issues but could certainly muddy the waters. Most sublegal sheep are shot because the hunter misjudged the degree of curl the horn has, and not

the age rings. AWT would not have any concerns enforcing this regulation change, however it may not have much effect on sublegal take since AWT uses discretion on sub-legal rams already.

### **Proposal 236 & 237:**

AWT is neutral. This proposal would help address problems from the previous proposal but would not always work in real field settings. At times, the maps and location data that AWT and ADF&G use are not up to date with the most accurate data. Often, the data they receive from bear baiters is not the most specific or accurate, nor is the data currently required to be submitted by bear baiters accurate enough to allow ADFG to map this out well to meet this proposed regulation. ADF&G may, in good faith approve two sites that happen to be within one mile of each other, and in violation of the previous proposal (236). AWT would have to decide who was at fault if ADF&G registered site in illegal locations. It has always been the hunter's responsibility for making sure they are following the rules, not ADF&G or AWT.

### **Proposal 244**

AWT is neutral, however in regard to the mention in the proposal of Unit 13 moose and caribou, AWT does have enforcement concerns with the current regulations. For enforcement purposes, at a minimum the season for Community Subsistence Harvest Moose should be aligned with the general season, just like the community harvest caribou does with the drawing and Tier caribou permit seasons. We do have a concern with CSH moose "any bull tags" overlapping into the general season Unit 13 moose antler restricted hunt. Hunters have complained about seeing sublegal bull moose being harvested but aren't as apt to report it knowing that the hunter could possess an any bull tag under CSH.

### **Proposal 245**

#### **5AAC 92.220 Salvage of game meat, furs, and hides. Rib meat on moose and caribou**

AWT is opposed to this. AWT does not support anything that runs contrary to best practices for the salvage of game meat. It makes enforcement much more difficult, those allowing wanton waste of game meat.

### **Proposal 246**

#### **Change the sealing method for Dall sheep**

AWT is neutral, and we see no enforcement concerns.