

ALASKA DEPARTMENT OF FISH & GAME  
Boards Support Section  
PO Box 25526  
Juneau AK 99802-5526



FIRST CLASS  
POSTAGE  
**PAID**  
PERMIT 131  
JUNEAU, AK

**ALASKA BOARD OF GAME  
WINTER 2002 MEETING  
JANUARY 18—23, 2002  
ANCHORAGE, ALASKA**

**FIRST CLASS MAIL**

**This publication was released  
by the Department of Fish and Game  
produced at a cost of  
\$2.87 per copy  
and printed in Juneau, AK**

**Because the Alaska Department of Fish and Game receives federal funding, all of its public programs and activities are operated free from discrimination on the basis of race, color, national origin, age, or handicap.**

**O.E.O**

**U.S. Department of the Interior  
Washington, D.C. 20240**

**If you are a person with a disability who may need a special accommodation in order to participate in the process on the proposed regulations, please contact the Boards Support Section at (907) 465-4110 no later than January 4, 2002 to make any necessary arrangements. To correspond by text telephone (TDD) call 1-800-478-3648.**

**ALASKA BOARD OF GAME  
WINTER 2002 PROPOSAL BOOK  
TABLE OF CONTENTS**

PAGE(S)

REVIEWER LETTER (Instructions for Commenting on Proposals) .....	i - ii
BOARD OF GAME MEMBERS .....	iii
BOARDS SUPPORT SECTION (Offices and Personnel) .....	iii
TENTATIVE AGENDA.....	iv
PROPOSALS.....	1-52
FUTURE AGENDA	
CALL FOR PROPOSALS AND PROPOSAL FORM FOR SPRING 2002 MEETING	

---

*PLEASE READ CAREFULLY*

**REVIEWER LETTER**

DEAR REVIEWER:

The attached packet of regulatory proposals will be considered by the Alaska Board of Game at its **Winter 2002** meeting at the Sheraton Hotel, Anchorage, Alaska. The proposals generally concern changes to statewide regulations.

Before taking action on these proposed changes to the regulations, the board would like your written comments and/or oral testimony on any effects the proposed changes would have on your activities.

The proposals in this packet are presented as brief statements summarizing the intended regulatory changes. In some cases, where confusion might arise or where the regulation is complex, proposed changes are also indicated in legal format. In this format, bolded, underlined words are **additions** to the regulation text and capitalized words or letters in square brackets [XXXX] are deletions.

You are encouraged to read all proposals presented in this packet, as some regulations have statewide application and may affect all regions of the state.

After reviewing the proposals, you may send written comments to:

**ATTN: BOG COMMENTS  
Alaska Department of Fish and Game  
Boards Support Section  
P.O. Box 25526  
Juneau, Alaska 99802-5526  
FAX - (907) 465-6094**

Comments may be submitted at any time until the public testimony period for that proposal and/or its subject matter is closed at the meeting and deliberation by the board begins. As a practical matter, you are encouraged to have all written comments presented to the above Juneau address by **January 4, 2002**. Receipt by this date will assure that your written comments will be published in the board workbook. Comments received after January 4 will be presented to board members at the time of the meeting, but will not be printed in the board workbook. Written comments will also be accepted during the board meeting, and of course, public testimony during the meeting is appreciated.

When making comments regarding these proposals, on the first line list the PROPOSAL NUMBER to which your comment pertains and whether you favor or oppose the proposal. This will ensure that the comments are noted by the board members in relation to the proper proposal(s).

The following guidelines will greatly assist the board in understanding your concerns:

Written comments will be hole-punched and copied to go into the board workbook. Therefore, please use 8 1/2 x 11 paper and leave at least a 1-1/2 inch margin on the left side and a 1-inch margin on the right side, top and bottom. If typed, please make sure the print is dark. If handwritten, use dark ink and write legibly. Briefly explain why you are in favor of or opposed to the proposal.

If you plan to testify, a written copy of your testimony is helpful, but is not required. Again not required, but 20 copies of your written testimony is also helpful.

**ADVISORY COMMITTEES:** In addition to the above, please make sure the meeting minutes reflect why the committee voted as it did. If the vote was split, include the minority opinion. A brief description--a couple of sentences--will do. Detail attendance, number in attendance (e.g., 12 of 15 members) and what interests were represented (such as guides, hunters, trappers, etc.).

Additional proposal booklets may be obtained at offices of the Department of Fish and Game. Also, the proposals can be found on our web page:

*<http://www.state.ak.us/local/akpages/FISH.GAME/boards/gameinfo/boghome.htm>*

A tentative agenda for the Winter 2002 meeting of the Board of Game is shown on page **iv**. A roadmap showing a tentative order in which proposals will be considered will be available in early January. During the meeting, a recorded telephone message will be available, with current updates on the board's agenda and roadmap. That phone number is 465-8901 (Juneau) or 1-800-764-8901 outside of Juneau.

If you are a person with a disability who may need a special accommodation in order to comment on the proposed regulations, please contact the Boards Support Section at 465-2027 no later than January 4, 2002. To correspond by text telephone call 1-800-478-3648.

Sincerely,

BOARDS SUPPORT SECTION

# ALASKA BOARD OF GAME

(Revised November 2001)

<b>NAME</b>	<b>TERM EXPIRES</b>
George Matz	3/31/04
Mike Fleagle	1/31/02
Dana Pruhs	3/31/04
Greg Roczicka, CHAIR	1/31/02
Ben Grussendorf, VICE CHAIR	3/31/04
Greg Streveler	1/31/02
Julie Maier	3/31/03

---

## BOARDS SUPPORT SECTION

### Headquarters Staff

1255 West 8th Street  
P.O. Box 25526  
Juneau, AK 99802

**PHONE:** 465-4110  
**FAX:** 465-6094

Margaret Edens, Executive Director I, BOG	Phone: 465-6098
Diana Cote, Executive Director II, BOF	Phone: 465-6095
Vacant, Regulations Specialist, BOG	Phone: 465-2027
Aubrey Merritt, Admin. Clerk, BOG	Phone: 465-4110
Art Hughes, Publications Technician, BOF	Phone: 465-4111
Trina Nguyen, Admin. Clerk, BOF	Phone: 465-6097
Lori Van Steenwyk, Admin. Assistant	Phone: 465-6096

### Advisory Committee Coordinators

#### **SOUTHEAST REGION**

Margaret Edens  
P.O. Box 25526  
Juneau, AK 99802  
Phone: 465-4110  
Fax: 465-6094

#### **SOUTHWEST REGION**

Joe Chythlook  
P.O. Box 1030  
Dillingham, AK 99576  
Phone: 842-5142  
FAX: 842-5514

#### **SOUTHCENTRAL REGION**

Sherry Wright  
333 Raspberry Road  
Anchorage, AK99518  
Phone: 267-2354  
Fax: 267-2489

#### **WESTERN REGION**

Trim Nick  
P.O. Box 1789  
Bethel, AK 99559  
Phone: 543-4467  
Fax: 543-4477

#### **ARCTIC REGION**

Susan Bucknell  
P.O. Box 689  
Kotzebue, AK 99752  
Phone 442-3420  
Fax: 442-2420

#### **INTERIOR REGION**

Jim Marcotte  
1300 College Road  
Fairbanks, AK 99701  
Phone: 459-7215  
Fax: 474-8558

#### **Board Meeting Recording:**

**Phone:** 465-8901 (in Juneau)  
1-800-764-8901 (outside of Juneau)  
**TDD Phone:** 1-800-478-3648

**TENTATIVE AGENDA**  
**BOARD OF GAME**  
**January 18-23, 2002**  
**SHERATON HOTEL, ANCHORAGE, ALASKA**

[NOTE: This is a tentative agenda for this meeting of the Board of Game. It is subject to variance throughout the course of the meeting. At the discretion of the chair, additional periods of public testimony may be set. Also, evening sessions may be scheduled as necessary. A more detailed agenda will be available in early January.]

-----

**Friday, January 18**

**8:30 AM**

**OPENING BUSINESS**

Call to Order; Introductions of Board Members and Staff,  
Board Ethics Disclosure  
Purpose of Meeting (overview)

**STAFF REPORTS**

1:00 PM or at the conclusion of staff reports

**PUBLIC TESTIMONY** - This is the primary time for testimony on all issues before the Board of Game. At the chair's discretion, there may be additional sessions.

**TO TESTIFY BEFORE THE BOARD ON PROPOSALS BEING CONSIDERED AT THIS MEETING, YOU MUST COMPLETE A BLUE TESTIMONY CARD. PUBLIC TESTIMONY WILL CONTINUE UNTIL ALL WHO SIGN UP HAVE TESTIFIED.**

<p><b>DEADLINE FOR <u>SIGN-UP</u> TO TESTIFY IS: 3:00 P.M. Saturday, January 19</b></p>
---

**Saturday, January 19**

**8:30 AM**

Continue public testimony  
At the conclusion of public testimony the Board will begin deliberation on the proposals.

**Sunday, January 20- January 23**

**8:30 AM**

Board Deliberation on proposals  
Miscellaneous Business, if any

The Board schedule will generally be: 8:30 AM - 12:00 noon and 1:00 - 5:00 PM with lunch from noon until 1:00 PM. This schedule is subject to change at the discretion of the chair.

**PROPOSAL 1** - 5 AAC 85.070(2) and (6). HUNTING SEASON AND BAG LIMITS FOR UNCLASSIFIED GAME. (a) Remove the reference to magpies and ravens from the codified regulations.

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
...		
[ (2) ]		
[ RAVEN ]		
[ UNITS 1-26 ]	[ NO OPEN SEASON. ]	[ NO OPEN SEASON. ]
...		
[ (6) ]		
[ MAGPIE ]		
[ UNITS 1-26 ]	[ NO OPEN SEASON. ]	[ NO OPEN SEASON. ]
...		

**ISSUE:** Magpies and ravens should be removed from Alaska’s codified hunting regulations. Including magpies and ravens in Alaska’s hunting regulations, even though the regulation specifies no open season, is inconsistent with federal law. Magpies and ravens are listed in 5 AAC 85.070 Hunting Season and Bag Limits for Unclassified Game. However, both species are listed in 50 CFR 10.13 as migratory birds protected by the Migratory Bird Treaty Act and subject to the regulations on migratory birds contained in subchapter B of title 50 CFR.

Other birds listed in the Alaska hunting regulations-including cormorants, snowy owls, and crows-are also defined as migratory birds under 50 CFR 10.13. However, the federal regulations contain special provisions allowing take for recreational or subsistence purposes. For example, in Alaska any person may take cormorants and snowy owls for subsistence purposes (50 CFR 20.132). In all states except Hawaii crows may be taken in accordance with laws or regulations prescribed by the state (50 CFR 20.133). There is no federal exemption for hunting magpies and ravens.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The public will remain unaware that a season cannot legally be established.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** People that are interested in establishing seasons will be aware that they must first modify federal regulations.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Leave as is and let the public continue to propose seasons through the Board of Game.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-052)

\*\*\*\*\*

**PROPOSAL 2** - 5 AAC 92.XXX. NEW REGULATION. Establish a new regulation as follows:

SMALL GAME HUNTING SERVICES AND SMALL GAME GUIDES; REGISTRATION REQUIREMENTS AND REGULATION OF ACTIVITIES. (a) A person who intends to provide guide services for small game hunting shall register annually with the department before the person provides guide services. To meet the registration requirement of this subsection, the person intending to provide guide services shall complete a small game hunting guide registration form provided by the department. The following information must be provided on the guide service registration form at the time of registration:

- (1) the name, permanent residence address, mailing address, and phone number of the person who will provide small game hunting guide services;
- (2) the areas in which the small game guide will operate;
- (3) the name, address, and telephone number of any business which employs the guide or with which the guide is affiliated for purposes of providing small game guiding services; and
- (4) other information required by the department on the registration form.

(b) Any person engaged in providing small game guide services shall have in possession a copy of a valid small game guide registration form.

(c) A person who provides small game guide services or a business that provides small game guide services may not aid in the commission of a violation of AS 16.05 - AS 16.40 or a regulation adopted under AS 16.05 - AS 16.40 by a hunter who is a client of the guide or of the guiding business.

**ISSUE:** Under current state statutes and regulations, there is no registration requirement for persons offering guiding services for small game hunting. The lack of information on the identity, number, location and activity of commercial small game guides prevents the department from: (a) monitoring the level of hunting effort and harvest activity in local areas where organized or commercial guiding may have a significant effect; (b) providing biological, educational and



management information to guides to promote management objectives; (c) obtain information from guides and clients on the status of small game populations, environmental conditions, hunter success, and harvest management concerns (e.g. user conflicts, regulation changes). In recent years, management concerns have developed about the nature and effect of guiding operations focused on sea ducks, brant and dusky Canada geese, as well as concern about guiding in some local areas. As a secondary issue, the public currently has no source of information on available guiding services, such as those for sport fishing and big game hunting.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The department will be hampered in locating and interacting with small game guides to gather information, provide information or investigate potential management concerns about small game guiding activities and effects. The public will not have a source of information on available guide services for small game hunting.

**WHO IS LIKELY TO BENEFIT?** Wildlife managers in the department will be able to interact with small game guides to promote conservation objectives and address concerns; registered guides will be able to get better information on game resources, management issues and potential regulation changes; client hunters may benefit from having better informed guides that can relay information on wildlife resources and management objectives; and the hunting public may benefit from better access to improved guiding service, as well as better relations with guides and their clients in the field.

**WHO IS LIKELY TO SUFFER?** Prospective guides would be inconvenienced for a few minutes per year to complete and submit the registration form. There are no other regulatory requirements or financial burdens.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-064)  
\*\*\*\*\*

**PROPOSAL 3** - 5 AAC 92.XXX. NEW REGULATION. Create a new regulation.

Adopt a regulation that would require the sealing of all Dall Sheep horns by the Alaska Department of Fish and Game.

**ISSUE:** The problem that I would like to see the Board address is the continued taking of sub-legal Dall Sheep.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** With the numbers of sheep declining and the numbers of hunters increasing, it is becoming harder to find legal rams. The taking of sub-legal rams reduces the number of rams with the potential of becoming legal, delaying even longer the production of legal rams. The gap between what is legal and a majority of the rams available attests to this delay.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** This would insure that every sheep taken would be checked for horn size and should make the hunters more careful in being sure the sheep they harvest are legal.

**WHO IS LIKELY TO BENEFIT?** Everyone that hunts Dall Sheep would benefit due to a more consistent yearly production of legal rams.

**WHO IS LIKELY TO SUFFER?** No one would suffer from this regulation.

**OTHER SOLUTIONS CONSIDERED?** Other solutions to this problem include registration hunts requiring the showing of the horns, more law enforcement officers in the field checking hunters, and game checkpoint on major highways, all of which require more resources in the form of personnel, time and money.

**PROPOSED BY:** Gerald Lee (HQ-02W-G-033)  
\*\*\*\*\*

**PROPOSAL 4** - 5 AAC 92.XXX. NEW REGULATION. Establish a new regulation for sealing sheep statewide as follows:

One full curl ram per person every 4 years for resident and nonresident. All sheep harvested must be measured and sealed or plugged by State of Alaska Fish and Game Department. Fines for sub-legal sheep must be substantial in the numbers of \$2500 to \$5000. All fines should go to Alaska Department of Fish and Game to fund sheep sealing.

The one bear every 4 years and having bears sealed by Fish and Game worked on bears. Look at the bear population now. Why wouldn't it work on sheep?

**ISSUE:** The issue in question is on our statewide sheep population—the decline in population and size. Our statewide sheep population is at such a decline in the past 8 years that we will not have a sheep population in the next 4 years if this issue is not addressed immediately.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** We will not have a sheep population in the next few years if the amount of sheep taken is not cut down and the illegal size of sheep are not stopped.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** It is the only way that we will get our sheep population back in the State of Alaska.

**WHO IS LIKELY TO BENEFIT?** Everyone who likes sheep and wildlife.

**WHO IS LIKELY TO SUFFER?** Only hunters who take illegal sheep.

**OTHER SOLUTIONS CONSIDERED?** Put sheep on drawing permit statewide, but still to have all sheep checked in and plugged.

**PROPOSED BY:** Gerald A. Pahl (HQ-02W-G-073)  
\*\*\*\*\*

**PROPOSAL 5** - 5 AAC 92.XXX. NEW REGULATION. Create a new regulation as follows:

All Dall sheep harvested in Alaska would be required to be sealed.

**ISSUE:** Require Dall sheep horns to be sealed all over the state.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Steady decline of legal rams. Each year a lot of 7/8 curl are seen, but it seems they do not get the chance to grow to full-curl. It would assure that harvested rams were legal.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** It would assure that only legal, full-curl rams are harvested. If necessary a sealing fee could be charged to offset costs.

**WHO IS LIKELY TO BENEFIT?** All hunters.

**WHO IS LIKELY TO SUFFER?** No one. Everyone would be able to hunt.

**OTHER SOLUTIONS CONSIDERED?** Permit only – only a few would have the privilege to hunt – not fair.

**PROPOSED BY:** Alfred M. Lee (HQ-02W-G-011)  
\*\*\*\*\*

**PROPOSAL 6** - 5 AAC 92.XXX. NEW REGULATION. Establish a new regulation as follows:

Eliminate of taking cows with calves or a calf.

**ISSUE:** Increasing moose hunting pressure combined with dropping recruitment rates.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Lack of moose hunting opportunity for all hunters.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes. Taking a cow or a calf is an inefficient way of managing moose for long-term subsistence needs.

**WHO IS LIKELY TO BENEFIT?** All moose hunters.

**WHO IS LIKELY TO SUFFER?** Someone who was unable to take a bull or grown moose. Someone who is starving.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Ruby Advisory Committee (HQ-02W-G-029)  
\*\*\*\*\*

**PROPOSAL 7** - 5 AAC 92.XXX. NEW REGULATION and 5 AAC 85.045(10) and (18). HUNTING SEASONS AND BAG LIMITS FOR MOOSE. Create a new regulation.

1 bull, not including male calves in the first year.

**ISSUE:** Calf moose harvest in Units 12 and 20E.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Some bull calves will continue to be harvested.

**WHO IS LIKELY TO BENEFIT?** Moose population and subsistence users and hunters of the Upper Tanana residents in the long run.

**WHO IS LIKELY TO SUFFER?** N/A.

**OTHER SOLUTIONS CONSIDERED?** N/A.

**PROPOSED BY:** Upper Tanana/Fortymile Advisory Committee (I-OOS-G-034)  
(HQ-02W-G-069)

\*\*\*\*\*

**PROPOSAL 8** - 5 AAC 92.003. HUNTER EDUCATION AND ORIENTATION REQUIREMENTS. Amend this regulation to require hunter education for hunters using a shotgun in a restricted weapons hunt, and clarify muzzleloader proficiency requirements.

(a)...

(e) A muzzleloader hunter in a restricted weapons hunt must have successfully completed a department-approved **muzzleloader** hunter education course that includes ballistic limitations of muzzleloading weapons and a proficiency test[ WITH THE WEAPON AND HUNTING LOAD TO BE USED].

**(f) A shotgun hunter in a restricted weapons hunt must have successfully completed a department-approved hunter education course.**

**ISSUE:** Currently, restricted weapons hunts are authorized to provide hunting opportunity in or near residential and high traffic areas, such as trails. The type of weaponry allowed is restricted and hunter education and/or proficiency tests are required for hunters using archery equipment or muzzleloaders. In a few of these hunts, shotguns are currently allowed, but there is no educational or proficiency requirement for a shotgun hunter.

Removing the current language for muzzleloader certification is a housekeeping measure. Due to the variety of muzzleloaders available, the department has standardized the proficiency test and uses identical weapons for the testing of all class participants.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Hunters will use shotguns in the restricted areas without the benefit of training and education. Homeowners and the general public may attempt to restrict these hunting opportunities.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes. The public will be less likely to oppose these hunts.

**WHO IS LIKELY TO BENEFIT?** The hunting community will not lose hunting opportunity in these semi-urban areas.

**WHO IS LIKELY TO SUFFER?** Hunters who wish to hunt in these restricted areas and fail to obtain the required certification.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-053)

\*\*\*\*\*

**PROPOSAL 9** - 5 AAC 92.003. HUNTER EDUCATION AND ORIENTATION REQUIREMENTS, and 5 AAC 92.010. HARVEST TICKETS AND REPORTS. Amend these regulations to restrict possession of a harvest ticket to persons at least 10 years of age, and allow youth hunters under 10 that have completed hunter education to hunt on behalf of another harvest ticket holder.

...

**(c) A resident hunter who is younger than 10 years of age at the start of the hunt, and has successfully completed a certified hunter education course, is allowed to hunt on behalf of an adult harvest ticket holder, under the direct immediate supervision of the harvest ticket holder. The adult harvest ticket holder must be a licensed, resident hunter 18 years of age or older and is responsible for insuring that all legal requirements are met.**

...

**(j) a person may not possess a harvest ticket unless they are 10 years of age at the start of the hunt.**

**ISSUE:** The Division's Information Management section has begun seeing an increasing number of harvest ticket overlays with ages ranging from 3 months and up. Under existing regulations, staff are unable to refuse a hunter harvest tickets for his 3-month-old baby. We have also had at least one case of a 4-year-old shooting a brown bear under a registration permit, and a number of children under 10 obtaining permits for moose and other big game. Given diminishing hunting opportunities statewide, we feel it is time to address these potential abuses of the bag limit restriction.

Most people agree that the caliber of gun necessary to ethically kill a big game animal can not be easily handled by anyone younger than 10. Nationwide, the number of hunting accidents involving youngsters is extremely high. Under this proposal, if hunters younger than 10 wish to hunt big game, they would have the option of successfully completing a hunter education class, and hunting on behalf of an adult harvest ticket holder. This would allow parents the option of letting the younger hunter take the animal.

Currently, we have a minimum age limit of 12 for Tier II subsistence hunts. We also have a discretionary condition for all permit hunts allowing the department to require a minimum age of 10 for these hunts. If this proposal is adopted, the department intends to exercise its discretionary authority and restrict all permit hunts to hunters at least 10 years of age.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Bag limits will continue to be abused by people obtaining harvest tickets for their young children.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** Hunters who do not attempt to harvest additional animals with harvest tickets obtained for their children.

**WHO IS LIKELY TO SUFFER?** People who are abusing the harvest ticket system and circumventing bag limit restrictions.

**OTHER SOLUTIONS CONSIDERED?** Requiring a minimum age for all big game hunting. This was rejected as too restrictive and denying hunting opportunities to younger hunters who are capable of hunting some big game.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-056)  
\*\*\*\*\*

**PROPOSAL 10** - 5 AAC 92.004. POLICY FOR OFF ROAD VEHICLE USE. Amend this regulation as follows:

Allow hunters access to public lands with ATVs as they have now, but treat them as aircraft. Go to your camp or cabin, then hunt on foot.

**ISSUE:** Off-road vehicles should be treated like aircraft. No same-day vehicle-borne hunting.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** 1) Hunting restrictions will be imposed on all hunters as pressure increases and game populations decrease. 2) Extreme anti-hunting environmental groups will use "road hunting in the woods" against all hunters.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** It improves the quality of the hunting experience.

**WHO IS LIKELY TO BENEFIT?** Real hunters.

**WHO IS LIKELY TO SUFFER?** Those who are unable or unwilling to sustain physical effort to be successful. Road hunting should be reserved for the truly disabled.

**OTHER SOLUTIONS CONSIDERED?** Defining surveying and marking easements for access to and within public lands would be confusing and expensive.

**PROPOSED BY:** Robert S. Hoffman

(HQ-02W-G-032)

\*\*\*\*\*

**PROPOSAL 11** - 5 AAC 92.010. HARVEST TICKETS AND REPORTS. Amend this regulation to include the following:

(a) Deer: a person may not hunt deer, except in a permit hunt, unless the person has in possession a deer harvest ticket **and has obtained a harvest report.**

**ISSUE:** Require deer harvest report.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued guessing on actual harvest.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Provides consistency for reporting in general hunts for ungulates. Gives direct harvest data to the department.

**WHO IS LIKELY TO BENEFIT?** Hunters, ADF&G.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Anchorage Fish and Game Advisory Committee

(SC-02W-G-011)

\*\*\*\*\*

**PROPOSAL 12** - 5 AAC 92.010. HARVEST TICKETS AND REPORTS. Amend this regulation to include the following.

It should not be a choice to stop hunting if you badly wound an animal or do not find a drowned bird. It should be the law.

**ISSUE:** When a lethal shot on an animal happens and the animal is not recovered you have to eat your tag (birds, etc. count as part of bag limit). Bad wounds count as lethal shots.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** People will continue to shoot more animals and increase the number of animals harvested overall.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes. Only the honest will abide by the law, but maybe others will think twice before shooting.

**WHO IS LIKELY TO BENEFIT?** All.

**WHO IS LIKELY TO SUFFER?** The people who do not care about consequences.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Frank Hill

(I-02W-G-012)

\*\*\*\*\*

**PROPOSAL 13** - 5 AAC 92.010(c). HARVEST TICKETS AND REPORTS. Amend this regulation as follows:

Hunters may obtain a moose harvest ticket either statewide or for specific units in areas that have the high moose hunter ratio to the moose that are available for that area. Hunters may only obtain one moose harvest ticket per regulatory year. (Note: we realize that the whole state is not affected by this problem, but it is still a statewide issue and covers several units along the highway systems.)

**ISSUE:** Would like to see the moose hunting more spread out statewide. Decreasing moose numbers in some units have not necessarily led to less hunters in these areas. Moose seasons do not coincide in many of the more accessible units of the state, allowing hunters to jump from unit to unit. Also, ATV popularity has led to greatly increased hunter activity.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** There will continue to be too many hunters for too little moose which leads to poor success ratio in more popular units.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** It will improve the quality of hunting in the area that have the most pressure as it will spread out the hunters more when they have to choose which area they decide to hunt in.

**WHO IS LIKELY TO BENEFIT?** Hunters in general who prefer less crowded conditions.

**WHO IS LIKELY TO SUFFER?** Hunters who have unlimited time and mobility during the hunting seasons.

**OTHER SOLUTIONS CONSIDERED?** We discussed having to declare only one hunting unit, but realize there are many areas out in the bush that do not have the same problems as areas along the road system. If other advisory committees have something to add to this to possibly cover one or more units on a harvest ticket than we are open to suggestions. The moose population is declining and we would like to see a solution to the high concentration of hunters in some areas.

**PROPOSED BY:** Paxson Advisory Committee

(SC-02W-G-009)

\*\*\*\*\*

**PROPOSAL 14** - 5 AAC 92.011. TAKING OF GAME BY PROXY.

Tighten loopholes.

**PROBLEM:** Abuse of proxy.

**WHAT WILL HAPPEN IF NOTHING IS DONE?**

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**



**WHO IS LIKELY TO BENEFIT?** Those who are in need of the proxy system as well as the resource.

**WHO IS LIKELY TO SUFFER?** Those who abuse the proxy system.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Nancy Hillstrand (HQ-02W-G-040)  
\*\*\*\*\*

**PROPOSAL 15** - 5 AAC 92.011. TAKING OF GAME BY PROXY. Amend this regulation to include the following:

Beneficiary of proxy hunt must exhibit prior and traditional use of resource from area applied for.

**ISSUE:** People from outside the area abusing the proxy hunt.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** People continuing to abuse the proxy hunt.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes. Less individual hunters taking more than one moose will naturally result in better quality of the moose that are taken.

**WHO IS LIKELY TO BENEFIT?** Honest hunters and beneficiaries.

**WHO IS LIKELY TO SUFFER?** Dishonest hunters and beneficiaries.

**OTHER SOLUTIONS CONSIDERED?** Total elimination of proxy hunting. We are not certain proxy hunting should not be eliminated altogether.

**PROPOSED BY:** Ruby Advisory Committee (HQ-02W-G-027)  
\*\*\*\*\*

**PROPOSAL 16** - 5 AAC 92.011(d). TAKING OF GAME BY PROXY. Amend this regulation as follows:

Just grant permission to hold several Tier II proxies.

**ISSUE:** I would like to be able to hunt for several elders at a time.

**WHAT WILL HAPPEN IF NOTHING IS DONE?**

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Elders.

**WHO IS LIKELY TO SUFFER?**

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Fritz Geffe (HQ-02W-G-010)

\*\*\*\*\*

**PROPOSAL 17** - 5 AAC 92.011(g). TAKING OF GAME BY PROXY. Amend this regulation as follows:

A proxy hunter must have a signed copy of the proxy form and any necessary license tags in his possession when proxy hunting for the beneficiary. The proxy hunter is not required to have the beneficiary’s license in possession.

**ISSUE:** Allow a beneficiary to have a proxy hunter hunt for moose, deer, or caribou with a proxy form, but not need the beneficiary’s license in his possession so that the beneficiary can continue to hunt for other game, such as waterfowl.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Currently, a proxy hunter must have the beneficiary’s license in possession when hunting for them. A beneficiary must have his license in possession when hunting for any game, such as waterfowl. Therefore, a beneficiary who cannot physically hunt for moose, deer or caribou, but who can hunt for waterfowl cannot do so during the same period that his proxy is hunting for him for deer, etc., because the proxy must have the beneficiary’s license in their possession.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** No.

**WHO IS LIKELY TO BENEFIT?** Proxy beneficiaries who wish to hunt species that are less strenuous to hunt, such as waterfowl.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** No other solutions considered.

**PROPOSED BY:** Mark Stopha (HQ-02W-G-018)

\*\*\*\*\*

**PROPOSAL 18** - 5 AAC 92.011(h)(1)(2) and (3). TAKING OF GAME BY PROXY. Amend this regulation as follows:

- 1) The proxy cannot possess more than one harvest ticket/registration permit at one time. This will mean the hunter will have to dedicate a hunt for themselves or for the beneficiary.
- 2) The proxy cannot possess more than one moose/caribou/deer at one time.
- 3) The department shall require the proxy of beneficiary to complete a report 25 days after the effective period.

**ISSUE:** Abuses of taking of game by proxy. 1) Hunters recruiting beneficiaries to increase their odds of taking a trophy size animal. 2) Much of the meat not being given to the beneficiary (isolated cases).

**WHAT WILL HAPPEN IF NOTHING IS DONE?** 1) Continued abuse. 2) Possible local impacts on moose/caribou populations. 3) If seen primarily as a way for some hunters to take over limit, public dissatisfaction of a regulation that has an admirable and necessary intent.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** The proxy system in general and people who need the meat but have not received all of it from the proxy.

**WHO IS LIKELY TO SUFFER?** Fewer people may be willing to act as proxies.

**OTHER SOLUTIONS CONSIDERED?** 1) Destroy value of antlers of proxy taken animals.

**PROPOSED BY:** Upper Tanana/Fortymile Advisory Committee (I-02W-G-010)  
\*\*\*\*\*

**PROPOSAL 19** - 5 AAC 92.019. TAKING OF BIG GAME FOR CERTAIN RELIGIOUS CEREMONIES. Amend this regulation to clarify the requirements for taking big game for religious ceremonies.

...

(a) The hunting and taking of big game customarily and traditionally taken or used for subsistence as defined in 5 AAC 99.025,

...

**ISSUE:** This language clarifies the intent of the existing regulation, that big game taken for a ceremony should be game that was/is customarily and traditionally taken and the language above is offered as a way of clarifying that fact. In addition, this proposal is intended to serve as a placeholder for addressing issues related to implementation of the current regulation, including harvest reporting and level of harvest. It is the Department's intent to discuss these issues with stakeholders and develop amended language for this proposal for consideration by the Board. Because of the importance of and time needed for engaging stakeholders to resolve sensitive issues, we suggest that the Board defer this proposal to the March meeting in Fairbanks.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Issues that have arisen since the initial implementation of this regulation will go unresolved.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Participants in traditional ceremonies.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Status quo, rejected because the experience gained during the first years of implementation of this regulation should be used to improve the way it works.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-054)

\*\*\*\*\*

**PROPOSAL 20** - 5 AAC 92.019. TAKING OF BIG GAME FOR CERTAIN RELIGIOUS CEREMONIES. Amend this regulation as follows:

The procurement of any regulated wild game for traditional ceremonies shall be by the means in existence at the time of the institution of the traditional ceremony.

**ISSUE:** Excessive harvesting of moose for Native American potlatches.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Depletion of a resource under provisions the Alaska Department of Fish and Game is unable to successfully manage for all Alaskans.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** All Alaskans. Especially the older generation who more often tend to road hunt due to their physical limitations.

**WHO IS LIKELY TO SUFFER?** No one will suffer. Greenland has already set this precedent for peoples North of 60.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Aaron Atchley (I-02W-G-011)

\*\*\*\*\*

**PROPOSAL 21** - 5 AAC 92.019(d). TAKING OF BIG GAME FOR CERTAIN RELIGIOUS CEREMONIES. Amend this regulation statewide as follows:

**(d) prior to taking big game under this section, a person shall report to the nearest office of the department or Department of Public Safety, the time frame when and location where the taking will occur. The report will include the hunter or hunters' names, addresses, and the species of big game animal to be hunted.** A person who takes big game under this section shall, as soon as practicable, and not more than twenty days after the ceremony, submit or insure submission of a written report to the nearest office of the department, specifying the persons name and address, the number and sex of big game animals taken, the

dates and locations of the taking, and the identity of the decedent or decedents for whom the ceremony was or will be held.

**ISSUE:** Since the inception of the current potlatch regulation, the Division of Fish and Wildlife Protection has experienced problems with the reporting of big game animals taken for religious ceremonies (potlatch). The current wording in 5 AAC 92.019 does not address a reporting requirement PRIOR to the taking of a big game animal under this section. Fish and Wildlife Troopers have started numerous criminal investigations after a big game animal has been reported as taken illegally. Many investigative hours, which include evidence gathering, interviews, crime scene searches, and equipment usage have been expended only to find out that the big game animal was taken under this section. Often times the investigation stretches out for weeks with no conclusive outcome.

Illegal taken animals have been wrongly claimed as taken under this section as an excuse to circumvent prosecution for taking during a closed season (poaching).

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Enforcement personnel will continue to investigate legally taken animals and interfere with religious ceremonies. Poachers will continue to illegally take animals and avoid prosecution.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Both enforcement personnel and those hunters who are harvesting big game for a traditional Alaska Native funerary or mortuary ceremony.

**WHO IS LIKELY TO SUFFER?** Those people who do not wish to report prior to the taking of a big game animal under this section.

**OTHER SOLUTIONS CONSIDERED?**

- 1 No change; this option was rejected because the problem will continue to exist.
- 2 Look at the possibility of having a village or regional coordinator as the point of contact for the reporting requirement instead of the departments. This option is desirable but must be fashioned into the regulatory/ legal scheme.
- 3 Look at the consensus from the various meetings and amend the final language of the proposal prior the board deliberating on the issue.

**PROPOSED BY:** Fish and Wildlife Protection (HQ-02W-G-031)  
\*\*\*\*\*

**PROPOSAL 22** - 5 AAC 92.029. PERMIT FOR POSSESSING LIVE GAME. Amend this regulation to include language prohibiting sale of wolf hybrids.

...

**(d) It is unlawful, without the necessary permit, for a person to possess, sell or advertise for sale a wolf hybrid. For purposes of this regulation a wolf hybrid includes the result between the mating of a wolf or wolf hybrid with a dog or another wolf hybrid, as well as any animal represented to be a wolf or part wolf by any name or description.**

...

**ISSUE:** Current regulation makes it illegal to propagate and sell wolf hybrids. Unfortunately, it is impossible to prove conclusively that an animal is a hybrid, therefore the regulation is blatantly ignored. This proposal will allow enforcement to address the problem based on the representation, in advertisements or otherwise, that the animal is a hybrid. The language prohibits people from representing the animals as hybrids, and doesn't require a blood test and DNA analysis.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The current regulation will continue to be ignored, and unenforceable.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Everyone who complies with current regulations.

**WHO IS LIKELY TO SUFFER?** People currently propagating and selling these animals for a profit.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-057)

\*\*\*\*\*

**PROPOSAL 23** - 5 AAC 92.029. PERMIT FOR POSSESSING LIVE GAME. Amend this regulation as follows:

(f) Notwithstanding (b) of this section the following species may be temporarily released for the purpose of hunting dog or falcon training, field trials, tests, and the use of hunting dogs for clubs, shooting preserves and individuals...

(g) Any person using live game in connection with hunting dog or falcon training, field trials, tests and the use of hunting dogs for clubs, preserves and individuals...

(2) may take the live game in connection with hunting dog or falcon training, field trial and test activities, hunting dogs in club and shooting preserve activities and individuals using hunting dogs with the aid of release traps, towers, poles, cables, harness, and other mechanical devices...

**ISSUE:** There are two problems brought up by a letter from the Department of Fish and Game in 1999 that I would like the board to address. These pertain to sections (f) and (g) of Miscellaneous game regulation 5 AAC 92.029.

The first problem is with the training and use of dogs to recapture released game in a hunting club or shooting preserve situation. The department believes that the use of too highly a trained dog did not comply with the regulation which was intended to allow hunters to train and test their own dogs. At this time our club furnishes fields, birds, facilities, information and support for members and guests who are training their own or other individual's dogs. We also have members and guests who do not own a bird dog, or have a dog not advanced in training, that enjoy watching the dogs work in this hunting and shooting of upland birds. We also periodically use highly trained dogs to sweep the fields and clean up any escaped birds as specified in sentence 1. of section (g) 5 AAC 92.029, "and shall make reasonable efforts to capture, kill, or recover such temporarily released game;" I do not believe you ever finish training a bird dog. They are not a computer that you program and walk away from. They are a constant challenge and delight and that is the attraction of it. But I do not believe "too highly a trained dog" is the real question here; I think it is the use of dogs for the taking of temporary released non-native game birds in a moneymaking event or commercial operation that is not covered in the current regulation.

The second problem is the use of mechanical aids in the use of training bird dogs and shooting non-native upland birds. The department indicated that the use of mechanical aids was not to be allowed in the training of pointing, flushing, and retrieving dogs as it was not included in the regulations. The use of mechanical aids such as release traps, release poles, and release towers is common with training dogs on birds.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** If this problem is not addressed, the shooting of released birds over someone else's dog will continue to be a gray area in the regulations. Individuals may be putting themselves and other dog owners in violation by shooting over another person's dog. Dog clubs, hunting clubs, and shooting preserves may not be able to organize shoots and moneymaking public activities without being in violation. And the common use of mechanical aids with hunting dogs and birds may put individuals in violation.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** The resources addressed are non-native species that have been temporarily released for training and hunting purposes in the state for over fifty years. My proposal cleans up gray areas in the current regulations and allows use of this non-native hunting resource by a wider segment of the state's residents.

**WHO IS LIKELY TO BENEFIT?** People who are likely to benefit with a change in regulations are dog handlers, falconers, local sportsmen, and hunters who do not own hunting dogs, area businesses who sell gas, food, and sporting goods to sportsmen, dog clubs, hunting clubs, and shooting preserves and local farmers who would have an alternative use for marginal cropland. It also benefits native upland bird species by creating an alternative hunting experience using released birds from a renewable resource within reasonable driving distance for local sportsmen and taking hunting pressure off native birds.

**WHO IS LIKELY TO SUFFER?** I can think of no one who would suffer if this proposal is adopted. The species of upland birds allowed for temporary release by the regulations have been used in the state for over fifty years. They have not been able to establish themselves or create a

threat to native wildlife. The use of highly trained dogs and repeated hunts reduces the numbers of escaped birds.

**OTHER SOLUTIONS CONSIDERED?** Due to the concerns of ADF&G about the gray areas in the current regulations, no other solution seemed appropriate.

**PROPOSED BY:** Gary Thompson (SC-02W-G-007)

\*\*\*\*\*

**PROPOSAL 24** - 5 AAC 92.034. PERMIT TO TAKE GAME FOR CULTURAL PURPOSES. Amend this regulation to include the following:

The commissioner may issue a permit for the taking of game, including deer, moose, caribou, black bear, mountain goat, small game, and furbearers, and any migratory bird for which a federal permit has been issued, for the teaching and preservation of historic or traditional Alaskan cultural practices, knowledge, and values, only under the terms of a permit issued by the department upon application. A permit may not be issued if the taking of the game can be reasonably accommodated under existing regulations.

**ISSUE:** At the May 2001 meeting the Board responded to an emergency petition by authorizing the take of gull eggs for cultural purposes. At that time the Board requested that the department submit a regulatory proposal which would broaden and make permanent that authority. This regulation change would allow the state to authorize the taking of migratory birds (including eggs) for which federal authorization has already been obtained.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The department will have no way to allow collection of migratory birds, even if the request has been approved by the US Fish and Wildlife Service.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** People interested in preserving cultural practices involving collection of migratory bird species.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-059)

\*\*\*\*\*

**PROPOSAL 25** - 5 AAC 92.037 PERMITS FOR FALCONRY. Amend this regulation to include American peregrine falcons to the list of falconry raptors, and allow regulated take.

(a) A permit jointly issued by the department and the United States Fish and Wildlife Service is required for taking, transporting, or possessing a raptor for falconry or for practicing falconry in this state. The permit will be issued under standards, procedures, and conditions set out in the



Falconry Standards section of the Alaska Falconry Manual No. 5, 1996, dated January 30, 1996; that section of the falconry manual is hereby adopted by reference. Copies of the manual are available upon request from the department. In this section, "raptor" means any bird of the following species: northern goshawk (*Accipiter gentilis*), sharp-shinned hawk (*Accipiter striatus*), gyrfalcon (*Falco rusticolus*), American kestrel (*Falco sparverius*), merlin (*Falco columbarius*), red-tailed or Harlan's hawk (*Buteo jamaicensis*), golden eagle (*Aquila chrysaetos*), Peale's peregrine falcon (*Falco peregrinus pealei*), **American peregrine falcon (*Falco peregrinus anatum*)**, arctic peregrine falcon (*Falco peregrinus tundrius*), captive-bred peregrine falcon (*Falco peregrinus*), great horned owl (*Bubo virginianus*), and hybrids of these species produced by raptor breeders. Only a bird defined in this section as a raptor may be taken, held, or possessed for falconry.

...

*Alaska Falconry Manual No.5*, Jan. 30, 1996, page 13, paragraphs 1 and 6c, adopted by reference in 5 AAC 92.037.

### Definitions

1.

...

c. Raptor means any bird of the following species: northern goshawk (*Accipiter gentilis*), sharp-shinned hawk (*Accipiter striatus*), gyrfalcon (*Falco rusticolus*), American kestrel (*Falco sparverius*), merlin (*Falco columbarius*), red-tailed or Harlan's hawk (*Buteo jamaicensis*), golden eagle (*Aquila chrysaetos*), Peale's peregrine falcon (*Falco peregrinus pealei*), **American peregrine falcon (*Falco peregrinus anatum*)**, arctic peregrine falcon (*Falco peregrinus tundrius*), captive-bred peregrine falcon (*Falco peregrinus*), great horned owl (*Bubo virginianus*), and hybrids of these species produced by raptor breeders.

...

### Permit Conditions

...

6. c. ...

**(6) A Master Class falconer may take one American peregrine falcon per calendar year. Up to a total of 8 American peregrine falcons may be taken from the wild in a calendar year. American peregrines may be taken from all parts of their range excluding a corridor extending one-half mile on either side of the Yukon River, beginning at the Canada/USA border and extending downstream to Central, Alaska, which is closed.**

**ISSUE:** The American peregrine falcon was recently removed from the Federal list of Endangered Species. Falconers have been restricted from taking them for use in falconry.

American peregrine populations are now well above all historical counts. Add American peregrine falcon (*Falco peregrinus anatum*) to list of raptors eligible for falconry.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Falconers would unnecessarily be restricted from taking a species traditional used and well suited for falconry.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** Falconers, wildlife viewers, photographers.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Considered restrictions on harvest from the most accessible, visible nest sites, but falconers are not likely to disrupt activities of others.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-060)

\*\*\*\*\*

**PROPOSAL 26** - 5 AAC 92.037. PERMITS FOR FALCONRY. Amend this regulation to remove capture permit requirements for take of arctic peregrine falcons.

...

[(E) THE FOLLOWING PROCEDURES AND CONDITIONS APPLY TO THE APPLICATION FOR AND ISSUANCE OF ARCTIC PEREGRINE FALCON CAPTURE PERMITS (CAPTURE PERMITS) AND TO THE TAKING OF ARCTIC PEREGRINE FALCONS FOR THE PRACTICE OF FALCONRY:

(1) AN APPLICANT, WHO MUST POSSESS AN ALASKA MASTER CLASS FALCONRY PERMIT, SHALL SUBMIT A COMPLETED APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT;

(2) A PERSON MAY NOT SUBMIT MORE THAN ONE APPLICATION NOR RECEIVE MORE THAN ONE CAPTURE PERMIT DURING A CALENDAR YEAR;

(3) THE TOTAL NUMBER OF CAPTURE PERMITS ISSUED ANNUALLY BY THE DEPARTMENT WILL NOT EXCEED SIX, AND THE TOTAL NUMBER OF CAPTURE PERMITS ISSUED ANNUALLY BY THE DEPARTMENT FOR THE SAGAVANIRKTOK RIVER WILL NOT EXCEED THREE;

(4) IF THE NUMBER OF APPLICATIONS RECEIVED BY THE DEPARTMENT EXCEEDS THE NUMBER OF CAPTURE PERMITS AVAILABLE, THE CAPTURE PERMITS WILL BE ISSUED ON A LOTTERY BASIS, EXCEPT THAT A CAPTURE PERMIT WILL NOT BE ISSUED TO A PERSON WHO RECEIVED A CAPTURE PERMIT IN THE PRECEDING CALENDAR YEAR UNTIL ALL APPLICANTS WHO DID NOT RECEIVE A CAPTURE PERMIT IN THE PRECEDING CALENDAR YEAR ARE ISSUED A CAPTURE PERMIT;

(5) FOR THE SAGAVANIRKTOK RIVER, A CAPTURE PERMIT WILL BE ISSUED FOR EACH OF THE FIRST THREE APPLICATIONS DRAWN UNDER (4) OF THIS

SUBSECTION THAT SPECIFY A PREFERENCE FOR TAKING AN ARCTIC PEREGRINE FALCON FROM THAT AREA;

(6) IF A PERMIT DRAWING IS OVERSUBSCRIBED AND A SURPLUS CAPTURE PERMIT BECOMES AVAILABLE, IT WILL BE ISSUED AS PROVIDED IN (4) AND (5) OF THIS SUBSECTION;

(7) A CAPTURE PERMIT IS NONTRANSFERABLE AND AN ARCTIC PEREGRINE FALCON MAY BE TAKEN ONLY BY THE PERSON NAMED ON THE CAPTURE PERMIT;

(8) A PERMITTEE

(A) SHALL NOTIFY THE DEPARTMENT'S FAIRBANKS REGIONAL OFFICE AT LEAST FIVE DAYS BEFORE TAKING AN ARCTIC PEREGRINE FALCON AND IDENTIFY THE INTENDED AREA AND TIME OF TAKE;

(B) SHALL, WITHIN FIVE DAYS AFTER TAKING AN ARCTIC PEREGRINE FALCON, INFORM THE DEPARTMENT'S FAIRBANKS REGIONAL OFFICE AND THE PERMITTEE'S REGIONAL FALCONRY REPRESENTATIVE OF THE DATE OF TAKING, THE LOCATION OF THE NEST SITE, AND THE NUMBER OF YOUNG IN THE NEST;

(C) SHALL, WITHIN FIVE DAYS AFTER TAKING AN ARCTIC PEREGRINE FALCON, INFORM THE DEPARTMENT'S FAIRBANKS REGIONAL OFFICE OF THE LOCATION OF ALL OTHER ARCTIC PEREGRINE FALCON NESTS VISITED, THE NUMBER OF YOUNG IN EACH NEST, AND OTHER INFORMATION REQUESTED BY THE DEPARTMENT; AND

(D) SHALL, WITHIN FIVE DAYS AFTER TAKING AN ARCTIC PEREGRINE FALCON, TURN IN TO THE PERMITTEE'S REGIONAL FALCONRY REPRESENTATIVE ANY LEG BAND RETRIEVED FROM AN ARCTIC PEREGRINE FALCON REMOVED FROM A NEST.]

*Alaska Falconry Manual No.5, Jan. 30, 1996, page 13, paragraph 2, adopted by reference in 5 AAC 92.037.*

### **Permit Conditions**

...

6.

...

c. (5) A Master Class falconer may take one arctic peregrine falcon per calendar year. [THE DEPARTMENT MAY ISSUE A SINGLE NONTRANSFERABLE PERMIT TO TAKE AN ARCTIC PEREGRINE FALCON TO AN ALASKA MASTER CLASS FALCONER WHO QUALIFIES UNDER PERMIT APPLICATION PROCEDURES ESTABLISHED BY THE DEPARTMENT IN 5 AAC 92. PERMITS SHALL BE CONDITIONED AS FOLLOWS:]

[ (I) NO MORE THAN SIX ARCTIC PEREGRINE FALCONS MAY BE REMOVED FROM THE WILD IN A CALENDAR YEAR, AND A PERMITTEE MAY NOT TAKE MORE THAN ONE ARCTIC PERGRINE FALCON FORM THE WILD PER YEAR;]

[(II)] (i)Arctic peregrine falcons may be taken from all parts of their range [ONLY IN GAME MANAGEMENT UNITS 22, 34, AND 26], excluding a corridor extending one-half mile on either side of the Colville River, beginning at the mouth of Etivluk River and extending downstream to Ocean Point, which is closed to harvest; [AND]

[(III) ONLY EYASES MAY BE TAKEN]

**ISSUE:** Needless restrictions and paperwork on take of arctic peregrine falcons.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Unnecessary paperwork for falconers and staff.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** Falconers.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Continued limit on total number allowed per year considered, but harvest has been well below quota of 6 since first year allowed and demand likely to decrease with availability of American peregrines.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-067)  
\*\*\*\*\*

**PROPOSAL 27** - 5 AAC 92.037. PERMITS FOR FALCONRY. Amend this regulation to clarify the time frame reference for taking of raptors.

*Alaska Falconry Manual No.5*, Jan. 30, 1996, adopted by reference in 5 AAC 92.037.

...

**Permit Conditions**

...

6.a....

(3) A permittee may not possess more than one raptor at any time nor obtain more than one raptor for replacement in a calendar year [DURING ANY 12-MONTH PERIOD];

6.b....

(3) A permittee may not possess more than two raptors at any time nor obtain more than two raptors, whether for initial stocking or replacement of raptors already possessed under a permit, in a calendar year [DURING ANY 12-MONTH PERIOD];

6.c....

(2) Except for raptors held under a propagation permit, a permittee may not possess more than three raptors at any time. In a calendar year [DURING ANY 12-MONTH PERIOD], a permittee may not take or acquire more than two raptors from the wild,

...

**Taking of Raptors**

14. An eyas may be taken only from June 5 through August 5. A passage bird, adult American kestrel, or adult great horned owl may be taken only from August 15 through December 10. Except for American kestrels and great horned owls, a raptor that is over one year of age may not be taken. An eyas may be taken only by a General or Master Class falconer; no more than two eyases may be taken in a calendar year [DURING THE SPECIFIED PERIOD] and at least one nestling must be left in any nest from which a bird is removed....

**ISSUE:** “12-month period” for taking of raptors is ambiguous and open to variety of interpretations.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued confusion on part of falconers, and potential for violations.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** Falconers and resource managers will likely benefit by avoiding confusion.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Any other fixed 12-month period would be harder to remember. Existing floating 12-month period has proven ambiguous.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-061)

\*\*\*\*\*

**PROPOSAL 28** - 5 AAC 92.037. PERMITS FOR FALCONRY. Amend this regulation as follows:

Drop the banding requirement for: 1. Merlin (*Falco columbarius*), 2. American Kestrel (*Falco sparverius*), 3. Sharp-shinned Hawk (*Accipiter striatus*).

*Alaska Falconry Manual No.5*, page 16, paragraph 13

**Markers**

13. Before taking a raptor, a permittee shall obtain a US Fish and Wildlife Service or department marker issued in the permittee’s name. Upon taking a Peale’s peregrine falcon, arctic peregrine falcon, American peregrine falcon, or gyrfalcon, a permittee shall immediately attach the US Fish and Wildlife Service marker to the raptor. Upon taking a [SHARP-SHINNED HAWK], northern goshawk, red-tailed or Harlan’s hawk, [AMERICAN KESTREL, MERLIN], golden eagle, or great horned owl, a permittee shall immediately attach the department marker to the raptor. The marker may not be removed, except that the rear tab may be removed and any imperfections on the surface may be smoothed if the integrity of the marker and numbering are not affected.

**ISSUE:** The banding of merlins, sharp-shinned hawks, and Kestrels is not required in the federal falconry regulations. These raptors are small – 10 ounces or less (the less weight and aerodynamic drag they carry, the better).

**WHAT WILL HAPPEN IF NOTHING IS DONE?** These small raptors will have to carry more weight, and will be unnecessarily encumbered.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Increases chances of survival and reduces chances of hang up on twigs, etc.

**WHO IS LIKELY TO BENEFIT?** Alaska falconers and the small raptors.

**WHO IS LIKELY TO SUFFER?** No one that I am aware of.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Falconers Association (I-02W-G-006)  
\*\*\*\*\*

**PROPOSAL 29** - 5 AAC 92.037. PERMITS FOR FALCONRY. Amend this regulation as follows:

Eliminate the last three sentences from paragraph 14 on page 17 of the *Alaska Falconry Manual No.5* under the subject title Taking of Raptors.

[NO MORE THAN A TOTAL OF SIX PEALE’S PEREGRINE FALCONS PER YEAR MAY BE TAKEN. A PERMITTEE MAY NOT TAKE MORE THAN ONE PEALE’S PEREGRINE FALCON FROM THE WILD PER YEAR. A PEALE’S PEREGRINE FALCON MAY BE TAKEN ONLY AS AN EYAS.]

**Permit Conditions**

- 6. Falconry permits are issued for Apprentice, General, and Master Class falconers.
  - b. General class permits are issued under the following conditions:
    - (4) A permittee may take, transport, or possess only the following species: American kestrel, merlin, northern goshawk, sharp-shinned hawk, red-tailed or

Harlan's hawk, gyrfalcon, captive-bred peregrine falcon, great horned owl, and hybrid raptor. A permittee with more than two years of experience in the practice of falconry at the general level may also take, transport, or possess Anatum peregrine falcons, Peale's peregrine falcons, and Tundrius (arctic) peregrine falcons;

(5) An interspecific hybrid raptor must be "imprinted" or surgically sterilized and may not be flown free unless the permittee first attaches to the bird at least one radio transmitter designed to track the bird if it is lost.

*Alaska Falconry Manual No.5, page 15*

**Permit Conditions**

c. Master Class permits are issued under the following conditions:

- (3) A permittee may take, transport, or possess only the following species: American kestrel, merlin, northern goshawk, sharp-shinned hawk, red-tailed or Harlan's hawk, gyrfalcon, American peregrine falcon, arctic peregrine falcon, Peale's peregrine falcon, golden eagle (federal regulations contain additional provisions and restrictions for golden eagles), captive-bred peregrine falcon, great horned owl, and hybrid raptor;
- (4) An interspecific hybrid must be imprinted or surgically sterilized and may not be flown free unless the permittee first attaches to the bird at least one radio transmitter designed to track the bird if it is lost.

**ISSUE:** The Peale's Peregrine has never been listed endangered or threatened. The allowed annual take is six birds. This number is unnecessarily restrictive and we feel that there is no biological need at this time to restrict take on Peale's Peregrine falcons.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** At some point in the future Alaska falconers may be unnecessarily prevented from taking a Peale's falcon.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Alaska falconers.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Falconers Association (I-02W-G-004)

\*\*\*\*\*

**PROPOSAL 30** - 5 AAC 92.037. PERMITS FOR FALCONRY. Amend this regulation to include the following:

Anatum peregrines would be added to the other two peregrine subspecies allowed for falconry take in Alaska.

(a) A permit jointly issued by the department and the United States Fish and Wildlife Service is required for taking, transporting, or possessing a raptor for falconry or for practicing falconry in this state. The permit will be issued under standards, procedures, and conditions set out in the Falconry Standards section of the *Alaska Falconry Manual No. 5*, dated January 30, 1996; that section of the falconry manual is hereby adopted by reference. Copies of the manual are available upon request from the department. In this section, "raptor" means any bird of the following species: northern goshawk (*Accipiter gentiles*), sharp-shinned hawk (*Accipiter striatus*), gyrfalcon (*Falco rusticolus*), American kestrel (*Falco sparverius*), merlin (*Falco columbarius*), red-tailed or Harlan's hawk (*Buteo jamaisensis*), golden eagle (*Aquila chrysaetos*), Peale's peregrine falcon (*Falco peregrinus pealei*), arctic peregrine falcon (*Falco peregrinus tundrius*), **American peregrine falcon (*Falco peregrinus anatum*)**, captive-bred peregrine falcon (*Falco peregrinus*), great horned owl (*Bubo virginianus*), and hybrids of these species produced by raptor breeders. Only a bird defined in this section as a raptor may be taken, held, or possessed for falconry.

**ISSUE:** The Anatum species of the peregrine falcon, formerly listed "endangered" has been delisted. We, the Alaska Falconers Association, would like Anatum peregrines added to the list of subspecies allowed for use in falconry in Alaska.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Anatum peregrines will be unnecessarily withheld for falconry take.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Alaska falconers.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Falconers Association (I-02W-G-002)  
\*\*\*\*\*

**PROPOSAL 31** - 5 AAC 92.037(24)(C). PERMITS FOR FALCONRY. Amend this regulation as follows:

Fifty-percent of the annual F1 captive raptor production is available to Alaska falconers. Birds produced in excess of the needs of Alaskan falconers can be sold, bartered, or given away to falconers outside of Alaska.



c. **First generation captive-bred progeny produced in excess of the needs of Alaska falconers may be sold, bartered, or given away by the raptor propagator to qualified falconers outside Alaska.**

[A PROPAGATION PERMITTEE MAY NOT SELL FIRST GENERATION, CAPTIVE-BRED PROGENY OF RAPTORS.] The propagation permittee may sell later generation, captive-bred progeny of raptors. [THE PERMITEE MAY TRANSFER CAPTIVE-BRED PROGENY OF RAPTORS ONLY TO A PERSON WHO HOLDS AN ALASKA FALCONRY PERMIT OR TO A PERSON WHO HOLDS AN ALASKA PROPAGATION PERMIT.] The propagation permittee shall dispose of captive-bred progeny within one year after hatching. Captive-bred progeny not sold or transferred as described in this subsection may be transferred or otherwise disposed of only with the written approval of the department.

**ISSUE:** It is unnecessarily expensive for the captive raptor propagation to produce raptors for Alaskan falconers.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** There will be little incentive to continue producing F1 raptors. More birds will be harvested from the wild for falconry.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** It reduces the already small impact falconry has on the raptor resource. The gene pool of captive bred raptors is enhanced.

**WHO IS LIKELY TO BENEFIT?**

**WHO IS LIKELY TO SUFFER?**

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Falconers Association (I-02W-G-003)

\*\*\*\*\*

**PROPOSAL 32** - 5 AAC 92.037. PERMITS FOR FALCONRY. Amend this regulation as follows:

We ask the boards permission to allow Alaskan falconers to take (capture alive) passage peregrine falcons when it is allowed by the US Fish and Wildlife Service.

**ISSUE:** In the near future the US Fish and Wildlife Service is expected to approve and publish a regulation to allow the capture of passage (first year migrant) peregrine falcons.

**WHAT WILL HAPPEN IF NOTHING IS DONE?**

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?**

**WHO IS LIKELY TO SUFFER?**

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Falconers Association (I-02W-G-007)  
\*\*\*\*\*

**PROPOSAL 33** - 5 AAC 92.037. PERMITS FOR FALCONRY. Amend this regulation as follows:

*Alaska Falconry Manual No.5, page 17, paragraph 14*

**Taking of Raptors**

Take ten days from the end of December passage take, and add ten days to the beginning of the eyas take season.

**PROBLEM:** Falconers who wish to take an imprintable age eyas (nestling) goshawk, have difficulty finding them in the present early take dates.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Falconers will continue to have difficulty, more nests must be located, climbed, and disturbed to find a young goshawk of imprintable age.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Alaska falconers.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Falconers Association (I-02W-G-005)  
\*\*\*\*\*

**PROPOSAL 34** - 5 AAC 92.047. PERMIT FOR USING RADIO TELEMTRY EQUIPMENT. Amend this regulation to include the following:

Permit for radio telemetry will include funds/requirement to remove collars from moose or other species.

**ISSUE:** Moose mortality from radio collars. Many collars do not fall off as designed and end up killing moose. ADF&G does not fund collar removing.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Moose will die unnecessarily.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes. Allows more animals to survive.

**WHO IS LIKELY TO BENEFIT?** All moose and hunters.

**WHO IS LIKELY TO SUFFER?** Biologists will have "extra" work.

**OTHER SOLUTIONS CONSIDERED?** No radio telemetry.

**PROPOSED BY:** Tyonek Fish and Game Advisory Committee (SC-02W-G-006)

\*\*\*\*\*

**The board accepted this proposal as an agenda change request at its Fall 2001 meeting. It is printed here for public comment.**

**PROPOSAL 35** - 5 AAC 92.052(20). DISCRETIONARY PERMIT HUNT CONDITIONS AND PROCEDURES. Add a new discretionary permit condition that allows the department to limit the number of moose permits to one-per-household.

**(20) only one permit to take moose may be issued per household per regulatory year;**

**ISSUE:** For registration hunts with limited number of permits or harvest quotas, we recommend allowing the department the discretionary authority to limit the number of registration moose permits to one permit per household. When a limited number of people have the opportunity to hunt or harvest moose, it is desirable to spread the limited resource between as many households as possible. We receive frequent complaints about households receiving more than one permit for moose when there are a limited number of permits available. This has occurred with the registration antlerless moose hunt in Unit 22C where a maximum of 20 permits are available, approximately 40 households apply for permits on a first-come first-served basis, and four times in the 2 year history of the hunt, more than one permit has been issued to the same household.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Some households will continue harvesting more than one moose while other households have little or no opportunity to harvest moose.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** Households that do not receive moose permits because another household receives more than one moose permit.

**WHO IS LIKELY TO SUFFER?** Households that have more than one household member who receive permits to harvest moose.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-076)

\*\*\*\*\*

**PROPOSAL 36** - 5 AAC 92.070. TIER II SUBSISTENCE HUNTING PERMIT POINT SYSTEM. Amend this regulation to include the following:

Designate what rural is, such as miles from groceries and fuel or towns.

**ISSUE:** All board members who decide what rules to adopt should know where all rural communities are and what is considered rural.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** People in some rural areas will at least get a point or two for living where we live.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** No.

**WHO IS LIKELY TO BENEFIT?** People or hunters in rural areas.

**WHO IS LIKELY TO SUFFER?** Hunters in cities.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Gail Reynolds (SC-02W-G-001)  
\*\*\*\*\*

**PROPOSAL 37** - 5 AAC 92.070. TIER II SUBSISTENCE HUNTING PERMIT POINT SYSTEM. Amend this regulation to include the following:

Obey the constitution. Base determination on personal use without regard to what everybody else does in a geographic area. Compensate for special privileges of game management unit residents in other game management units. If Unit 13 residents have special priority, restrict them in other units.

**ISSUE:** Determination of Tier II eligibility.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** You might get sued and have an injunction issued in time to stop a hunting season. (Not to mention unfairly depriving people of game.)

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A. It addresses fair allocation of the resource.

**WHO IS LIKELY TO BENEFIT?** Historical game users.

**WHO IS LIKELY TO SUFFER?** Geographic “camp followers.”

**OTHER SOLUTIONS CONSIDERED?** See comment.

**PROPOSED BY:** Henry T. Munson (HQ-02W-G-037)  
\*\*\*\*\*

**PROPOSAL 38** - 5 AAC 92.070. TIER II SUBSISTENCE HUNTING PERMIT POINT SYSTEM. Amend this regulation as follows:

Leave as it is currently written, but change the ADF&G basis for granting points to reflect the applicant and his household members only.

I call to your attention to paragraph 3 of the ADF&G Tier II supplement (page 1, top right). The customary and direct dependence on the game population by the subsistence user for human consumption as a mainstay of livelihood, and the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated. I am not sure that the ADF&G point system agrees with the Alaska state law.

**ISSUE:** Question 16 clearly asks: Of the total amount of big game meat all household members have harvested over the past 5 years within this hunt area and within 150 miles of where you live, what percentage of this came from the Tier II population you are applying for? This question makes no mention of the other residents living in this community. Yet when I asked the ADF&G representative in the Anchorage office, he explained that ADF&G determined the maximum points given to an applicant based on the total number of applicants in his community that harvested and used this game. I ask you where does this question make any mention of other applicants in this or any other community?

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Applicants who deserve and rely on this permit may be denied a permit. Question 16 will remain confusing. Someone may challenge its legality.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** Would give permits to applicants who most deserve and use the wild game.

**WHO IS LIKELY TO SUFFER?** Applicants who hunt less and eat less wild game would receive fewer points.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Lois Pickens (HQ-02W-G-019)  
\*\*\*\*\*

**PROPOSAL 39** - 5 AAC 92.070. TIER II SUBSISTENCE HUNTING PERMIT POINT SYSTEM. Amend this regulation as follows:

Change the point system. If points are to be variable by community for game utilization, they should also be variable for living expenses. Otherwise, all Mat-Su communities should be scored equally.

**ISSUE:** The inequity of the Tier II Subsistence Hunting Permit Point System. All Mat-Su residents are scored equally in regard to living expenses, yet Willow residents receive fewer points for game utilization. Persons living in Anchorage and in Mat-Su communities other than Willow, with a relatively brief period of traditional game use, receive permits whereas persons living in Willow with traditional game use of over 40 years are denied permits.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Prospective subsistence hunters living in Willow will continue to be unfairly discriminated against. We are the only Mat-Su community to receive no Tier II caribou permits for two years.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** No, only the distribution of the resource.

**WHO IS LIKELY TO BENEFIT?** Persons living in the Willow area.

**WHO IS LIKELY TO SUFFER?** An equal number of persons scattered randomly throughout Alaska.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Buck and Charlene Stewart (HQ-02W-G-012)

\*\*\*\*\*

**PROPOSAL 40** - 5 AAC 92.070. TIER II SUBSISTENCE HUNTING PERMIT POINT SYSTEM. Amend this regulation as follows:

Would like to see the eaten meat portion of questions 14 and 15A deleted.

Question 14 to read: How many years have you hunted game from this population from this hunt area?

Question 15A to read: What is the maximum number of years any one living member of your household has hunted meat from this game population from this hunt area?

Question 16 to read the same, but to be scored on the individual's percentage of big game that came from this hunt area, not based on the community as a whole.

Add one more question to read as follows: How many days in the past year have you spent hunting, fishing, berry picking, or gathering other resources from this Tier II hunt area? Check each box that applies.

0-5 days	___	31-50 days	___
6-10 days	___	51-80 days	___
11-20 days	___	81-120 days	___
21-30 days	___	more than 120 days	___

Note: each box worth 5 points, total question worth up to 40 points.

ISSUE: Questions on the Tier II permit application with unverifiable answers.

WHAT WILL HAPPEN IF NOTHING IS DONE? Applicant's answers cannot be verified.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Applicants who get credit for truthful answers.

WHO IS LIKELY TO SUFFER? No one will suffer.

OTHER SOLUTIONS CONSIDERED? We considered many solutions, several of which were discarded because of constitutionality questions i.e. (income, dependence, rural preference). Others were deemed unverifiable or similar to what we have now.

Also, our added question would bring the point total to a possible of 140 and was designed to give individuals who show a real need for subsistence resources an opportunity to demonstrate that need.

PROPOSED BY: Paxson Advisory Committee (SC-02W-G-008)

\*\*\*\*\*

**PROPOSAL 41** - 5 AAC 92.070(b)(1). TIER II SUBSISTENCE HUNTING PERMIT POINT SYSTEM. Amend this regulation to account for the availability of marine mammals as alternate sources of game to some hunters but not to others.

**(b)(1)** the relative availability of alternative sources of game to the applicant's household, which may provide up to 20 points, as measured by the formula  $Score = 20(W)$ , in which "W" is the percent of the applicant's household's wild game that came from the Tier II population over the past five years, a percent up to but not exceeding G/H, in which "G" stands for the amount of game harvested by hunters from the applicant's location from the Tier II population and "H" stands for the amount of game harvested by hunters from the applicant's location from within the hunt area and from all reasonably accessible game hunts within 150 miles, as calculated by the department; "H" for an a hunter eligible under federal law to harvest marine mammals will include the marine mammals harvested by hunters from the applicant's location from within the hunt area and from all reasonably accessible game hunts within 150 miles; "H" for a hunter ineligible under federal law to harvest marine mammals will not include the marine mammals harvested by hunters from the applicant's location from within the hunt area and from all reasonably accessible game hunts within 150 miles;

ISSUE: Current Tier II scoring ignores the disparate availability of federally managed marine mammals which in coastal areas may comprise an alternate harvestable biomass larger than the terrestrial game animal biomass. Federal law prohibits marine mammal harvesting except for specified individuals. These individuals consequently have much greater ability of to obtain

food if subsistence use is restricted or eliminated than those who are prohibited by federal law from harvesting marine mammals.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Tier II scoring will continue to inaccurately measure the relative availability of alternative sources of game to applicants' households.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Not applicable.

**WHO IS LIKELY TO BENEFIT?** Hunters currently improperly scored with respect to relative availability of alternative sources of game.

**WHO IS LIKELY TO SUFFER?** No one will suffer by making the scoring system more equitable.

**OTHER SOLUTIONS CONSIDERED?** Setting the value of "H" based upon whether or not any individual in the hunter's household was eligible under federal regulations to harvest marine mammals. This was rejected because federal regulations prohibit individuals ineligible to harvest marine mammals to assist in any way in taking marine mammals and subsistence research have shown that in households where the primary hunter or hunters are ineligible to harvest marine mammals, marine mammal meat makes up an insignificant proportion of the game harvest. Also please see other proposals on Tier II scoring.

**PROPOSED BY:** Tim Smith (HQ-02W-G-050)  
\*\*\*\*\*

**PROPOSAL 42** - 5 AAC 92.070(b)(1). TIER II SUBSISTENCE HUNTING PERMIT POINT SYSTEM. Amend this regulation to eliminate the quasi-limited entry program for Tier II muskox hunting in GMUs 22 and 23 inadvertently created by the application scoring system.

(1), the relative availability of alternative sources of game to the applicant's household, which may provide up to 20 points, as measured by the formula  $Score = 20(W)$ , except for GMU 22 and 23 muskox hunts where  $Score = -10(W)$  in which "W" is the percent of the applicant's household's wild game that came from the Tier II population over the past five years a percent up to but not exceeding G/H, in which "G" stands for the amount of game harvested by hunters from the applicant's location from the Tier II population and "H" stands for the amount of game harvested by hunters from the applicant's location from within the hunt area and from all reasonably accessible game hunts within 150 miles, as calculated by the department;

**ISSUE:** Muskoxen did not inhabit the Western Alaska in historic times. The populations being hunted today were first transplanted here in 1970. The only legal muskox hunting in GMUs 22 and 23 has been under Tier II permits issued by drawing. Thus anyone from a household where



a member has received a Tier II permit and harvested muskoxen has a permanent advantage over those not lucky enough to be drawn creating a kind of limited entry program that is not based upon customary and traditional use or availability of alternate resources but on the luck of the draw. This proposal would give people who were not drawn a chance to hunt muskoxen by taking points away from those households that harvest muskoxen under Tier II.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Individuals having household members lucky enough to be drawn by lottery will continue to outscore those who have no household members drawn. Tier II users will continue to receive scores determined by the Tier II permit system rather than customary and traditional use or availability of alternate resources.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Not applicable.

**WHO IS LIKELY TO BENEFIT?** Hunters who are arbitrarily excluded from muskox hunting by the scoring system currently in place.

**WHO IS LIKELY TO SUFFER?** No one will suffer by making the scoring system more equitable.

**OTHER SOLUTIONS CONSIDERED?** Eliminate 5 AAC 92.070(b)(1) scoring altogether for GMU 22 and 23 muskoxen but limit Tier II applications to once every 4 years for households receiving Tier II permits and harvesting muskoxen. Please see other proposals on Tier II scoring.

**PROPOSED BY:** Tim Smith (HQ-02W-G-051)  
\*\*\*\*\*

**PROPOSAL 43** - 5 AAC 92.070(1). TIER II SUBSISTENCE HUNTING PERMIT POINT SYSTEM. Amend this regulation as follows:

The new regulation should read: ...when the hunt was closed or the department did not issue a Tier II permit.

I prefer the solution that allows for rural and true subsistence hunters that rely upon the resource either through direct dependence or cultural traditions to rank among the highest applicants and recipients of Tier II permits, as Tier II hunting schemes are the only resort and in the case of musk ox on the Seward Peninsula a trite example of eliminating those persons who have initiated and given legal basis for the hunt (i.e., Native people). The proposed regulation becomes aligned with Tier II fishing regulations that do adequately allow for subsistence users with the highest dependence to successfully receive a permit for subsistence purposes.

**ISSUE:** The problem is the regulation on Tier II hunting for musk ox does not reflect a reality that should be reflected when answering the Tier II questions. The department forces applicants to answer questions possibly with little connection to the intent of regulation. Current Tier II criteria and scoring are creating frustration and apathy on the part of subsistence hunters by not being able to answer the question in line with common interpretation. The fact is subsistence hunters should be able to answer Tier II questions in line with AS 16 and 5 AAC. For example, question 14 of the

Tier II application and 5 AAC 92.070 tries to solicit answers that capture the nature of lost hunting opportunity and the Tier II application and scoring needs reckoning to align itself with my interpretation of statute and code.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Subsistence hunters will continue to take a back burner to common department practices of eliminating legitimate subsistence uses. Potential Tier II applicants who do indeed have customary and traditional uses of various game resources through cultural traditions that exist in language and stories inherent to their existence have arbitrarily been eliminated from true Tier II scoring.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Subsistence users are likely to benefit.

**WHO IS LIKELY TO SUFFER?** Sport hunters are likely to be negatively impacted as Tier II criteria select subsistence users with the highest scores.

**OTHER SOLUTIONS CONSIDERED?** Tier I scenario: rejected for arbitrary subsistence determination made in 1996 based on harvestable surplus; the need may be higher. Apathy on the part of subsistence hunters in Tier II may be the result of the department not opening the hunt soon enough and allowing for traditions to flourish. Tier I scenario will ruin subsistence character which utilizes derisory registration practices.

(HQ-01F-G-045)

**PROPOSED BY:** Austin Ahmasuk

(HQ-02W-G-001)

\*\*\*\*\*

**PROPOSAL 44** - 5 AAC 92.070(2) and (3). TIER II SUBSISTENCE HUNTING PERMIT POINT SYSTEM. Amend this regulation as follows:

Location of residency or any question based on it, such as where you buy food and gas should be dropped from the application.

**ISSUE:** The use of community of principal residence as a criterion for the Nelchina Tier II caribou or any hunt. This discrimination is in opposition to my understanding of the state constitution. The 1989 McDowell v. State of Alaska says subsistence priority cannot be determined on “rural priority.”

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continuation of this practice will cause further rift between urban and rural communities.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Not having location as a criterion would come closer to allocating the resource based on need.

**WHO IS LIKELY TO BENEFIT?** Those who have a long history of use and need for the resource but do not happen to live close to it.

**WHO IS LIKELY TO SUFFER?** Those who gain permits more by where they live than their traditional use or need.

**OTHER SOLUTIONS CONSIDERED?** We could change the state constitution to discriminate against some based on where they live. I, however, agree with the lawmakers who have chosen not to make second class citizens of some Alaskans.

**PROPOSED BY:** Michael Cluff (SC-02W-G-003)

\*\*\*\*\*

**PROPOSAL 45** - 5 AAC 92.080(5). UNLAWFUL METHODS OF TAKING GAME; EXCEPTIONS. Clarify the intent of the regulation to prohibit disturbing game when hunting is not necessarily the intent.

(5) except as otherwise specified, with the use of an aircraft, snowmachine, motor-driven boat, or other motorized vehicle to harass game or for the purpose of driving or[,] herding [, OR MOLESTING] game;

**ISSUE:** There is a growing concern about harassment of wildlife by commercial and private aircraft, especially helicopters, in many parts of the state. It is often to the benefit of commercial carriers to provide as close a view of wildlife as is possible, and this is sometimes done in a manner that results in changes in animals' behavior interpreted as being harmful to the individual animal. The current regulatory language has been of limited use because of uncertainty about the meaning of terms and the apparent need for the operator of the vehicle to intend to molest in order to be in violation. This proposal is intended to provide ADF&G wildlife biologists and AST Fish and Wildlife Protection Troopers with a better method to restrict non-hunting related wildlife disturbance.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Commercial and private aircraft operators will continue to approach wildlife at distances that disturb them to the point of jeopardizing their well-being.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** No.

**WHO IS LIKELY TO BENEFIT?** The wildlife resource and all persons who value healthy wildlife populations.

**WHO IS LIKELY TO SUFFER?** Unscrupulous aircraft operators and companies who benefit from flying close to wildlife for personal or commercial gain.

**OTHER SOLUTIONS CONSIDERED?** Insert similar language in 92.080(3).

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-058)

\*\*\*\*\*

**PROPOSAL 46** - 5 AAC 92.110(1)(E). CONTROL OF PREDATION BY WOLVES. Amend this regulation to include the following:

(E) methods and means;

A snowmachine may be used to take wolves in areas where wolf control implementation plans have been adopted by the Board of Game, in areas of Intensive Management of Identified Big Game Prey Populations, or in areas where there is ungulate harvest by subsistence Tier II permit.

**ISSUE:** Suppressed ungulate populations and high wolf numbers in certain areas.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Prey populations will continue to decline.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Promotes intensive management objectives.

**WHO IS LIKELY TO BENEFIT?** Wildlife viewers, hunters.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Sterilization, land and shoot, aerial shooting. All have significant objection from some sectors of the public.

**PROPOSED BY:** Anchorage Fish and Game Advisory Committee (SC-02W-G-013)

\*\*\*\*\*

**PROPOSAL 47** - 5 AAC 92.110(2)(E). CONTROL OF PREDATION BY WOLVES. Amend this regulation as follows:

ADF&G can issue permits in areas to take wolves that need this tool to cut back on wolf populations.

**ISSUE:** We feel there should be permits issued for taking of wolves using aircraft.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** There will continue to be areas that need the tool to be able to issue permits for taking wolves with aircraft.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes, improve sheep, caribou, and moose populations.

**WHO IS LIKELY TO BENEFIT?** Moose, caribou, and sheep hunters and viewers.

**WHO IS LIKELY TO SUFFER?** No one. Wolves would come back better with more moose, caribou, and sheep.

**OTHER SOLUTIONS CONSIDERED?** Keep the politics out of game management.

**PROPOSAL 48** - 5 AAC 92.165. SEALING OF BEAR SKINS AND SKULLS. Rewrite this section of regulation to clearly explain bear sealing requirements.

(a) **Sealing is required for brown bear taken in any unit in the state, or black bear of any color variation taken in Units 1-7, 11-17, 19(D), and 20.** A person may not possess, transport, or export from this state, the untanned skin or skull of a bear **taken in a unit where sealing is required**, unless the skin and skull have been sealed by an authorized representative of the department within 30 days after the taking, or a lesser time if requested by the department; however

(1) a brown bear taken in Units 8, 12, 19(D), or 25(D) may not be transported from those units until it has been sealed;

(2) a brown bear taken in Unit 20(D) or 20(E) may not be transported from those units, except to Tok, until it has been sealed;

(3) a brown bear taken in Unit 23 may not be transported from the unit, except to Barrow, Fairbanks, Galena, or Nome, until it has been sealed.

(4) the skin and skull of a **brown** bear taken by a resident hunter under a registration permit in the Western Alaska Brown Bear Management Area (5 AAC 92.530(15)) need not be sealed unless removed from the management area; if the skin or skull are removed from the management area, they first must be sealed by a department representative that reports to Aniak, Bethel, Dillingham, Iliamna, King Salmon, or McGrath;

(5) the skin and skull of a **brown** bear taken by a resident hunter under a registration permit in the Northwest Alaska Brown Bear Management Area (5 AAC 92.530(16)) need not be sealed unless they are removed from the management area or presented for commercial tanning within the management area; if the skin or skull are removed from the management area or presented for commercial tanning within the management area, they first must be sealed by a department representative that reports to Barrow, Fairbanks, Galena, Nome, or Kotzebue;

(6) the skin and skull of a **brown** bear taken by a resident hunter under a registration permit in the Chignik Alaska Brown Bear Management Area (5 AAC 92.530(17)) need not be sealed unless removed from the management area; if the skin or skull are removed from the management area, they first must be sealed by a department representative in King Salmon;

(7) the seal must remain on the skin until the tanning process has commenced;

(8) a brown bear taken in Unit 6(A), (B), or (C) must be sealed within seven days after the taking and may not be transported from Unit 6, except to Yakutat, until it has been sealed.

(9) the skin and skull of a black bear taken in Unit 19(D) outside of the wolf predation control area described in 5 AAC 92.125(1) need not be sealed, however the skin of a black bear taken anywhere in Unit 19(D) from January 1 through May 31 may not be transported from Unit 19 until it has been sealed.

(10) the skin and skull of a black bear taken by a nonresident hunter on Kuiu Island in Unit 3 must be sealed within 14 days after the taking and may not be transported from Units 1-4 until it has been sealed.

(b) Except as provided in (a)(4) –(6) and (c) of this section, a person who kills a bear **in a unit where sealing is required**, must personally present the skin and the skull to an authorized

representative of the department for sealing within 30 days after the taking , or a shorter time if requested by the department, and must sign the sealing certificate at the time of sealing.

(c) A person who takes a bear **in a unit where sealing is required**, but is unable to present the skin and skull in person must complete and sign a temporary sealing form and ensure that the completed temporary sealing form, along with the bear skin and skull, are presented to an authorized representative of the department for sealing within 30 days after the taking.

(d) If a person kills a brown bear while on a guided hunt or while hunting with a resident relative under AS 16.05.407, the hunter, as well as the guide or resident relative who accompanied the hunter, shall sign the sealing certificate. If a temporary sealing form is used, the hunter, as well as the guide or resident relative who accompanied the hunter, shall sign the temporary sealing form.

(e) A person who possesses a bear **in a unit where sealing is required**, shall keep the skin and skull together until a representative of the department has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin. The department may require that the skull of the bear be skinned and that the skin and skull not be frozen at the time of sealing. If the bear was taken in the Western Alaska Brown Bear Management Area (5 AAC 92.530(15)), the Northwest Alaska Brown Bear Management Area (5 AAC 92.530(16)), or the Chignik Alaska Brown Bear Management Area (5 AAC 92.530(17)) under the authority of a registration permit, and if sealing is required under (a)(4), (a)(5) or (a)(6) of this section, at the time of sealing the department representative shall remove and retain the skin of the skull and the front claws of the bear.

(f) No person may falsify any information required on the sealing certificate or temporary sealing form provided by the department.

(g) As used in this section,

[(1)"BEAR" MEANS BROWN BEARS IN ALL UNITS, AND BLACK BEARS OF ALL COLOR PHASES TAKEN IN UNITS 1-7, 11-17, 19(D), AND 20;]

**(1)** [(2)] "temporary sealing form" means a form available at department offices for providing information regarding date and location of bear kill, species of bear, name and address of the hunter, name of the guide, and other information requested by the department on the form;

**(2)** [(3)] "sealing certificate" means a form used by the department for recording information when sealing a bear.

**ISSUE:** This is a housekeeping proposal to rewrite bear sealing requirements to clarify and differentiate between the bear species. As sealing requirements have developed over a period of time, this section of regulation has become confusing and unclear.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Changes in sealing requirements will continue to add to the confusion.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** Everyone who deals with this section of regulation.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Status quo.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-066)  
\*\*\*\*\*

**PROPOSAL 49** - 5 AAC 92.165. SEALING OF BEAR SKINS AND SKULLS. Amend this regulation as follows:

Eliminate sealing requirements on black bears.

**ISSUE:** Unnecessary sealing requirements.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued waste of time and resources of ADF&G personnel.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Requirement to seal increases risk of hide spoilage.

**WHO IS LIKELY TO BENEFIT?** Hunters, ADF&G, and the budget.

**WHO IS LIKELY TO SUFFER?** Bear sealers at the department.

**OTHER SOLUTIONS CONSIDERED?** Return black bears to fur animal status. Previous attempts failed.

**PROPOSED BY:** Anchorage Fish and Game Advisory Committee (SC-02W-G-012)  
\*\*\*\*\*

**PROPOSAL 50** - 5 AAC 92.210(1). GAME AS ANIMAL FOOD OR BAIT. Amend this regulation to include the following:

The hide, skin, viscera, head, or bones of legally taken or legally salvaged game;

**ISSUE:** At least one FWP officer interprets the regulations to mean trappers cannot use the inedible remains of road-killed moose as trap bait.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Trappers will be unnecessarily cited. Furthermore, trappers will be denied use of valuable bait and no longer will be allowed to clear roadsides of “attractive nuisances.”

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes. It helps remove unsightly gut piles from roadsides and improves trappers’ prospects for catching wolves and other furbearers.

**WHO IS LIKELY TO BENEFIT?** Trappers, motorists.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Requiring trappers to get a permit to use gut piles; rejected as administrative burden on ADF&G and impractical for trappers in remote areas along road system.

**PROPOSED BY:** Daniel L. Crowson (HQ-02W-G-006)  
\*\*\*\*\*

**PROPOSAL 51** - 5 AAC 92.210(2). GAME AS ANIMAL FOOD OR BAIT. Amend this regulation to clarify what parts of bears may be used as animal food or bait.

A person may not use game as food for a dog or furbearer, or as bait, except for the following:  
(1) the hide, skin, viscera, head, or bones of legally taken game;  
(2) the skinned carcass of a bear (except for the edible meat required to be salvaged by 5 AAC 92.220(3)-(5)), furbearer, or fur animal;

...

**ISSUE:** Salvage requirements for bear meat have been modified over the last few years. This proposal is a housekeeping proposal to clarify what may be used for animal food or bait.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** People may inadvertently use parts of bears for animal food or bait, in violation of salvage requirements.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** People who wish to use bear carcasses for animal food or bait.

**WHO IS LIKELY TO SUFFER?** People who have been using whole bear carcasses in violation of existing salvage requirements.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-065)  
\*\*\*\*\*

**PROPOSAL 52** - 5 AAC 92.210(6). GAME AS ANIMAL FOOD OR BAIT. Amend this regulation as follows:

Order ADF&G not to issue road-kill use permits in the Healy to Cantwell area.

**ISSUE:** Ban the giving of ungulate road-kill use permits to trappers who operate in the Cantwell-Healy area where the Toklat and Margaret packs are active.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** There is a reasonable probability that past issuing of such permits has contributed to losses among these packs. One recreational trapper who is believed to have contributed substantially to the decline in the Sanctuary pack was awarded a



series of road-kill use permits that coincided with the time of these losses. Baiting with large carcasses provides an enormous advantage. It attracts predators of all sizes, and in the case of large predators they are drawn in over an area of many square miles.

Existing trapping laws clearly imply that baiting with large carcasses is recognized as providing an unfair advantage. Trapper bait is limited to using the hide, viscera, head or bones of legally taken large game. If a moose, caribou or deer is killed in a trapper's set, the law says that the trapper must move all active traps and snares one-quarter mile from the site for the remainder of the regulatory year.

Without a ban on using road-kills as bait more losses among these high visible wolves can be expected.

There is also a public health risk, as these road-kills are being set along public trails bordering Denali National Park.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Wolves belonging to the Toklat and Margaret packs would be at much less risk of being trapped. These wolves are worth literally millions to the state's economy. Over 20,000 visitors to Denali National Park see these wolves each year. Their existence significantly contributes to a high level of visitor satisfaction that ultimately translates in a booming local economy and job market.

**WHO IS LIKELY TO BENEFIT?** All Alaskans and visitors to Alaska who are interested in seeing wolves with some reasonable level of probability (currently about 10 percent per day visit to Denali National Park).

**WHO IS LIKELY TO SUFFER?** A very few local trappers who use road-kills as a way to substantially increase their odds of killing members of these two packs.

**OTHER SOLUTIONS CONSIDERED?** The problem was pointed out to ADF&G, and the response was that this was a matter that needed to be taken up by the Board of Game.

**PROPOSED BY:** Alaska Wildlife Alliance (HQ-02W-G-045/SC-02W-G-017)

\*\*\*\*\*

**PROPOSAL 53** - 5 AAC 92.220. SALVAGE OF GAME MEAT AND FURS. Amend this regulation as follows:

All sport hunting big game animals that require meat to be savaged shall be required to harvest the four quarters and back strap on their legally harvested animals.

**ISSUE:** The wanton waste law that now exists concerning meat harvested by sport hunters is unreasonable. Return to the requirements in place in the late 70s.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Enforcement officers will continue to harass hunters who have left any edible meat on a harvested animal. These officers need to spend their time after real game criminals.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Law enforcement and sport hunters will be better able to pursue their worthy goals.

**WHO IS LIKELY TO SUFFER?** The courts and officers who enforce these unreasonable laws will have to direct their time and attention to serious infractions of the law.

**OTHER SOLUTIONS CONSIDERED?** Do not require any meat to be harvested from a legally harvested animal in Alaska. The truth is we are taking from the scavengers when we take all the meat. It is my business what I do with legally obtained food.

**PROPOSED BY:** James Karl Johnson (HQ-02W-G-009)

\*\*\*\*\*

**PROPOSAL 54** - 5 AAC 92.230. FEEDING OF GAME. Amend this regulation to clarify the intent of the prohibition relating to feeding of game and add pet food to the list of food items that are illegal as follows:

No person may intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, fox, or wolverine, or negligently [INTENTIONALLY] leave human or pet food or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping furbearers or hunting black bears under 5 AAC 84 – 5 AAC 92.

**ISSUE:** The improper and immediate disposal of human garbage and mishandling of food for pets, resulting in attracting moose and bears to residential areas.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Enforcement officers will be unable to cite individuals who refuse to clean up garbage or pet food that attracts moose and bears. The majority of nuisance moose and bear complaints involve the improper handling of these food items. Under current regulation, a person cannot be held responsible for leaving garbage out unless the intent to feed animals can be established.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** Homeowners and others who are diligent concerning proper disposal of garbage and do not leave pet food outdoors, available to moose, bears, and other wildlife.

**WHO IS LIKELY TO SUFFER?** Individuals who attract wildlife by leaving garbage and pet food outdoors.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-074)

\*\*\*\*\*

**PROPOSAL 55** - 5 AAC 92.540(9). CONTROLLED USE AREAS. Create a new controlled use area in Unit 23 as follows:

Five miles either side of the Kobuk River from Hunt River to Walker Lake including all rivers that drain into the Kobuk River in that area: Hunt River, Redstone River, Shungnak River, Kogoluktuk River, Maunelik River, Pah River, Beaver River and Reed River. No use of airplanes or jet driven boats for hunting during Aug. 1—Sept. 30.

**ISSUE:** Continued interruptions from low flying airplanes and jet-driven motorboats to point of scaring game from near shore. Sport hunters camp on Native allotments and leave trash behind.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued interruption of subsistence hunting and fishing.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** The local area subsistence users.

**WHO IS LIKELY TO SUFFER?** Guides for fishing and hunting and weekend fly in fishers and hunters, day fishers and sightseers.

**OTHER SOLUTIONS CONSIDERED?** None, all that has been done is talked about. No one sat down to get the necessary paperwork done for desire of controlled use area.

(HQ-01F-G-040)

**PROPOSED BY:** Upper Kobuk Advisory Committee

(HQ-02W-G-075)

**NOTE: This proposal was deferred by the Board of Game.** During its November 2001 meeting, a board work group that included advisory committee representatives, representatives of guiding and outfitting industry representatives, Alaska Department of Fish and Game staff, and members of the public discussed this proposal. The board work group discussed a number of different other area boundaries and time periods, and heard comments that problems were centered around the confluence of the Pah and Kobuk Rivers. The work group recommended amending this proposal to create a controlled use area as follows:

**Extending three miles either side of the Kobuk River from 3 miles below the mouth of the Mauneluk River to 3 miles above the mouth of Selby River. No use**

**of airplanes, air boats, inboard jet boats, and two-cycle outboard motors with jet units for hunting from August 15 through September 20.**

The work group's amended proposal was significantly different from the original proposal. After deliberating on the amended proposal, the board elected to defer final action to its January meeting, to give the public additional opportunity to comment. The amended proposal is a product of the work group and does not represent the opinion of the board.

\*\*\*\*\*

**PROPOSAL 56** - 5 AAC 92.450(15). DESCRIPTION OF GAME MANAGEMENT UNITS. Housekeeping proposal to clarify unit and subunit boundaries in Units 13, 14, and 15.

...

(13) Game Management Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north **and east** bank of the Talkeetna River **and including the Talkeetna River, to its confluence with Clear Creek, the eastside drainages of a line going up the south bank of Clear Creek to the first unnamed creek on the south, then up that creek to lake 4408, along the north east shore of lake 4408, then southeast in a straight line to the northernmost fork of the Chickaloon River;** the drainages into the east bank of the Chickaloon River **below the line from lake 4408;** the drainages of the Matanuska River above its confluence with the Chickaloon River;

...

(14) Game Management Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south **and west** bank of the Talkeetna River **to its confluence with Clear Creek, the westside drainages of a line going up the south bank of Clear Creek to the first unnamed creek on the south, then up that creek to lake 4408, along the north east shore of lake 4408, then southeast in a straight line to the northernmost fork of the Chickaloon River;**

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the **east bank of the Susitna River**, on the north by **the north bank of Willow Creek and Peters Creek to its headwaters, thence east along the hydrologic divide separating the Susitna River and Knik Arm drainages to the outlet creek at lake 4408**, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A);

(15) Game Management Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Gore Point to the point where longitude line 150 00' W. crosses the coast line of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150 00' W. to the mouth of the Russian River, thence southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary;

(A) Unit 15(A) consists of that portion of Unit 15 north of the **north bank of the Kenai River and the north shore of Skilak Lake**;

(B) Unit 15(B) consists of that portion of Unit 15 south of the **north bank of the Kenai River and the north shore of Skilak Lake**, and north of the **north bank of the Kasilof River, the north shore of Tustumena Lake, Glacier Creek, and Tustumena Glacier**;

(C) Unit 15(C) consists of the remainder of Unit 15;

...

**ISSUE:** This housekeeping proposal clarifies unit and subunit boundaries in Units 13, 14, and 15.

The boundary line between Units 13 and 14 did not include the Talkeetna River, and its associated islands, in either Unit. This proposal 1. Includes the Talkeetna River in Unit 13, 2. Clarifies and simplifies the boundary between the headwaters of the Talkeetna and the Chickaloon Rivers, 3. Adjusts the boundary between 14A and B to follow the hydrologic divide (ridge line) to simplify boundary identification in the field.

The current boundary lines between subunits in Units 15 do not clearly indicate which subunit the small islands in the Kenai River, Skilak Lake, the Kasilof River and Tustumena Lake are located in.

This proposal clarifies which banks the unit boundaries follow.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Individuals wishing to hunt in these areas will continue to be confused over which regulations govern the area.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** This clarification should benefit individuals that use these areas.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-068)

\*\*\*\*\*

**PROPOSAL 57** - 5 AAC 92.990 DEFINITIONS. Amend this regulation to include a definition for calf.

...

"calf" means any moose, caribou, elk, muskox, or bison less than 12 months old.

**ISSUE:** We currently have hunt areas where the taking of calves is prohibited, and more areas are being proposed. A definition for calf would clarify which animals are available for harvest.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** People will continue to ask what age limit defines a calf.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** The hunting public.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-063)

\*\*\*\*\*

**PROPOSAL 58** - 5 AAC 92.990. DEFINITIONS. Amend this regulation to include a definition for possession limit.

...

"possession limit" with reference to migratory game birds, means the maximum number of lawfully taken migratory game birds of a single species or designated aggregate of species that may be possessed by any one person in any specified geographic area for which a possession limit is prescribed. With reference to resident game birds, "possession limit" applies to whole birds or the edible meat of game birds, excluding those that are canned, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period.

**ISSUE:** The term "in possession" is used throughout 5 AAC 85.065 to establish possession limits for migratory and resident game birds. The terms "in possession" and "possession limit" are not defined in game regulations at 5 AAC 92.990. The definition of "bag limit" in 5 AAC 92.990(3) does not specify applicable time periods (e.g. daily, possession, per season). An effective definition of "possession" or "possession limit" would address two problems:

1. The lack of a definition allows ambiguity in interpretation of bag limits and quantities of game hunters may have in possession. Without further definition, it could be argued that a possession limit includes all game birds possessed by a hunter, regardless of time period and regardless of their state of preservation (e.g. including canned, dried or frozen birds, or even bird parts). Currently, Commercial Fish regulations in 5 AAC 39.975(23) and Sport Fishing regulations in 5 AAC 75.995(20) provide that fish are no longer considered "in possession" once they are preserved.
2. Federal regulations applicable to the taking of migratory game birds in 50 CFR 20.11 define a possession limit as the maximum number of birds that legally may be taken in a specified area for which a possession limit is prescribed, but without reference to a time period, state of preservation or distinction between birds and parts. Most migratory bird hunters are not aware of this long-term possession rule and many would like a clear definition.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Hunters will continue to have questions about legal limits and the frequent practice of possessing preserved birds over the possession limit will continue. Law enforcement personnel will continue to have difficulty determining whether violations have occurred and pursuing prosecutions.

**WHO IS LIKELY TO BENEFIT?** Game bird hunters. Law enforcement personnel.

**WHO IS LIKELY TO SUFFER?** Nobody.

**OTHER SOLUTIONS CONSIDERED?** Changes can be proposed to federal regulations to clarify the status of preserved migratory birds and their parts, as well as timeframe for possession. These changes would be initiated through the flyway councils and recommended to the Service Regulations Committee. More specific federal regulations would allow establishment of clear state regulations.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-02W-G-055)  
\*\*\*\*\*

**PROPOSAL 59** - 5 AAC 92.990. DEFINITIONS. Amend this regulation to include a definition for bag limit.

“Be a responsible hunter. When you wound an animal or bird and fail to recover it, that wounded animal or bird becomes part of your bag limit. If the wounded animal or bird fulfills your bag limit you must stop hunting.”

**ALASKA BOARD OF FISHERIES AND ALASKA BOARD OF GAME  
REGULATION PROPOSAL FORM, P.O. BOX 25526, JUNEAU, ALASKA 99802-5526**

**BOARD OF FISHERIES REGULATIONS**

- Fishing Area \_\_\_\_\_  
 Subsistence                       Personal Use  
 Sport                                       Commercial

**JOINT BOARD REGULATIONS**

- Advisory Committee     Regional Council               Rural

**BOARD OF GAME REGULATIONS**

- Game Management Unit (GMU)** \_\_\_\_\_  
 Hunting                                       Trapping  
 Subsistence                                       Other \_\_\_\_\_  
 Resident  
 Nonresident

Please answer all questions to the best of your ability. All answers will be printed in the proposal packets along with the proposer's name (address and phone numbers, will not be published). Use separate forms for each proposal.

1. Alaska Administrative Code Number 5 AAC \_\_\_\_\_ Regulation Book Page No. \_\_\_\_\_

2. What is the problem you would like the Board to address?

3. What will happen if this problem is not solved?

4. What solution do you prefer? In other words, if the Board adopted your solution, what would the new regulation say?

5. Does your proposal address improving the quality of the resource harvested or products produced? If so, how?

6. Solutions to difficult problems benefit some people and hurt others:

A. Who is likely to benefit if your solution is adopted?

B. Who is likely to suffer if your solution is adopted?

7. List any other solutions you considered and why you rejected them.

**DO NOT WRITE HERE**

Submitted By: Name \_\_\_\_\_

Individual or Group \_\_\_\_\_

Address \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_





