

Use of Game, Possession, & Transportation

PROPOSAL 50 - 5 AAC 92.150. Evidence of sex and identity. Remove the requirement for evidence of sex for hunts with bag limits of only one sex as follows:

Simply eliminate the "evidence of sex requirement" for most species. Note this is not intended to stop the requirement for leaving evidence of sex (attached to the hides of black and brown bear in units where sealing is required) attached to hides of bear when this evidence of sex is used for monitoring and managing bear harvest.

What is the issue you would like the board to address and why? The requirement to leave evidence of sex naturally attached to one quarter of game (when take is limited to one sex only) is burdensome on hunters and may create an unintentional violation in an otherwise completely legal hunt. There has been no suggestion that eliminating this regulation would have any adverse effect on any game population. Currently DNA analysis is available so that if any enforcement officer suspects that a hunter is in possession of two or more different animals, the enforcement officer may either seize all of the meat or take small samples of different parts of the meat for DNA testing. The expense would be borne by the state in any instance of DNA confirmation that the meat was from only one animal and that animal matched the antlers or whatever. The expense would be added to the fines of the hunter when DNA evidence showed that he was in possession of illegal meat.

PROPOSED BY: John Frost (EG-C15-111)

PROPOSAL 51 - 5 AAC 92.010. Harvest tickets, and reports; and 92.130. Restrictions to bag limit. Modify bag limits for nonresidents accompanied by a resident relative as follows:

5 AAC 92.130 (new subsection):

A guide required species under AS 16.05.407(a) taken by a nonresident personally accompanied by a resident relative under AS 16.05.407(a)(2) will count as the bag limit of both the nonresident and the resident relative who accompanies the nonresident.

5 AAC 92.010(a)(new subsection):

A nonresident may take guide required species under AS 16.05.407(a) on behalf of a resident relative permit holder who personally accompanies the non-resident under AS 16.05.407(a)(2).

What is the issue you would like the board to address and why? We would like to address second degree of kindred provisions with a regulation that is modeled off of the current "youth hunt" bag limits and harvest requirements.

PROPOSED BY: Alaska Professional Hunters Association (EG-C15-108)

PROPOSAL 52 - 5 AAC 92.220(i). Salvage of game meat, furs, and hides. Clarify the requirements regarding retrieval and salvage of wounded game as follows:

5 AAC 92.220(i) **repealed 7/1/2016** [A PERSON WHO HAS WOUNDED GAME SHALL MAKE EVERY REASONABLE EFFORT TO RETRIEVE AND SALVAGE THAT GAME.]

What is the issue you would like the board to address and why? This proposal change was requested at the 2015 Central/Southwest Region meeting in Wasilla and was voted down by the Board of Game. The concern for the Alaska Wildlife Troopers is the board documented on record the preference for reasonable means or lawful means to retrieve and salvage game. This added to the burden of the troopers to prosecute an individual who may use otherwise unlawful methods and means to harvest a wounded animal.

The Alaska Wildlife Troopers respectfully request the Board of Game repeal 5 AAC 92.220(i) from the regulations. This will eliminate confusion and remove the legal concern of reasonable versus lawful. An individual would still be held liable for the salvage of all edible meat for human consumption under 5 AAC 92.220(d). An individual would still be charged under Alaska Statute 16.30.010(a) for failing intentionally, knowingly, recklessly, or with criminal negligence to salvage for human consumption the edible meat of the animal or fowl.

The removal of 5 AAC 92.220(i) would also be applied to the professional ethics standards for guides under 12 AAC 75.340(d)(1) Field Craft Standards. All classes of guides shall use every lawful means at the licensee's disposal to bag a wounded animal while it is in danger of escaping, or, in a serious emergency, while human life or well-being is endangered.

The Alaska Wildlife Troopers feel the removal of 5 AAC 92.220(i) is the easiest and most efficient means to eliminate possible future conflicts and discussion on what is reasonable. The subsection (i) has only been a regulation for 11 years and the removal of a regulation for clarity is always encouraged.

PROPOSED BY: Alaska Wildlife Troopers (EG-C15-043)

PROPOSAL 53 - 5 AAC 92.130. Restrictions to bag limit. Remove the restriction that wounded game counts against the annual bag limit as follows:

Eliminate statewide the requirement that wounded equals taken for any big game animals. An alternative solution (but not as good) would be to insert the word "mortally" in front of wounded in this regulation.

What is the issue you would like the board to address and why? The regulation stating that any evidence of a wound from a hunting projectile must equal taking of that animal specific for bear in Units 1-5, bear in Unit 8 and elk in Unit 8 is a bad one and should be rescinded statewide.

Alaska is the only state with this requirement and the requirement applies to only two species in a very small part of the state. There has never been any evidence that wounding loss was detrimental to any animal population in the state. This regulation is a restraint on ethical hunters but does not limit unethical hunters. This regulation was originally pushed by guides who wanted the state of Alaska to reinforce their policy but now many guides no longer believe it is a good idea.

PROPOSED BY: The Alaskan Bowhunters Association (EG-C15-103)

PROPOSAL 54 - 5 AAC 92.130. Restrictions to bag limit. Establish an additional statewide bag limit for big game species as follows:

Provide a “mulligan” bag limit for all species as follows:

Statewide Bag Limits, unless otherwise provided in 5 AAC 85–92:

Establish an additional statewide bag limit for the following species and additional waiting period penalties for taking animals important for the conservation of below species:

Moose: In areas where moose bag limits are limited by antler size and configurations. **Establish an additional moose size limit of 45”; or, spike/fork that has one additional point less than 3” long or any additional point within three inches of the base (easily concealed by hair or ears) in a “spike” or “fork” area. If the hunter takes an animal under this bag limit, the hunter may not hunt moose anywhere in the state for five (5) years anywhere antler restrictions exist; hunters may hunt in those areas where the bag limit is “any bull”, or “cow.” Any animal taken under this regulation that has had the skull split will be considered a “sub-legal animal” (same as current regulation).**

Dall Sheep: In areas where sheep horns are limited to full curl: **Establish an additional bag limit of at least one horn breaking the plane of the bridge of the nose when leveled off the base of the horns. If the hunter takes an animal under this bag limit, the hunter may not hunt sheep anywhere in the state for five (5) years anywhere horn restrictions exist. Any animal taken under this regulation that has had the skull split or nose area removed and is not legal under current “full curl” regulations will be considered a “sub-legal animal.”**

Mountain Goats: In areas where goat tags are calculated using a nanny as two goat units. **If a nanny is taken the hunter may not hunt goats anywhere in the state for five (5) years except areas where the bag limit is two goats.**

Brown Bears: In areas where the brown bear bag limits are one bear every four years or in drawing areas. **If a sow is taken, the hunter may not hunt brown bears anywhere in the state for an additional two (2) years (total of six years in one-in-four areas) except for those areas where the bag limit is one bear per year or greater.**

Caribou: In areas where the caribou bag limit is currently limited to bulls. **Establish an additional bag limit for cows. If a cow is taken, the hunter may not hunt caribou anywhere in the state for ive years except those areas where the bag limit is not restricted by sex.**

In all cases the hunter must report the animal to ADF&G as soon as possible for verification, and in no case more than ten days after take.

What is the issue you would like the board to address and why? This proposal directly addresses sub-legal harvest and the legal penalties. At least 10% of all rams taken are deemed sub-legal at sealing, a similar percentage of moose are sub-legal. Female caribou, bears, and goats are often mistaken for males.

The current system is burdensome and humiliating for those law abiding citizens that make an honest mistake with no intent to break the law. Fighting a violation in court of any of the above will cost at least a couple thousand dollars and several days' time. The consequences are not necessarily applied evenly by the courts. Consequences almost always include loss of the animal, which many depend upon to feed themselves and their family; and a fine of several hundred dollars. Consequences can also include loss of firearms, and equipment.

Many of the Alaska's most dedicated conservationists have been cited for some of these unintentional violations, in some cases souring them on the system.

Justification:

- #1 This proposal will allow hunters to make a mistake. Even the most diligent hunters can make the wrong call when faced with the conditions of remote Alaska.
- #2 This proposal imposes automatic administrative penalties (a waiting period before hunting that species again) freeing up already over-burdened Alaska Wildlife Troopers (AWT) and district attorneys to concentrate on more egregious cases.
- #3 This proposal will allow the hunting public to know exactly what the penalty will be for a mistake they have made by not staying within the traditional bag limit.
- #4 Waiting periods are intentionally harsh to dissuade intentional "sub-legal" take.
- #5 Moderate penalties for taking bear sows in low limit areas may help address conservation measures.
- #6 Harsher penalties for sheep, moose, and goats will force the public to be more careful when judging these species.
- #7 Some hunters have voiced concern that the five year bag limits in this proposal are too harsh, especially for sheep and moose hunting. If a hunter would rather deal with the legal system and current penalties than the multi-year bag limits above they may simply split or alter the skull for moose or sheep making the animal "sub-legal" by definition. This would trigger the normal legal process and the likely confiscation of their animal, fine, and possible greater consequences.
- #8 AWT and ADF&G staff will no longer need to worry about letting cases slide that are marginal. By providing these new regulations hunters are already afforded a legal "margin of error." Any deviation from these bag limits should result in immediate citation.

PROPOSED BY: Aaron Bloomquist (EG-C15-118)

PROPOSAL 55 - 5 AAC 92.132. Bag limit for brown bears. Change the statewide brown bear bag limit to one bear every regulatory year as follows:

A person may not take more than one brown bear every [FOUR] regulatory year[S], except that

(1) **repealed xx/xx/xx** [THE BAG LIMIT FOR BROWN BEAR IN UNIT 1C, BERNERS BAY DRAINAGES, UNITS 6 (EXCEPT UNIT 6D), 7, 11, 12, 13, 14B, THAT PORTION WITHIN CHUGACH STATE PARK MANAGEMENT AREA, UNITS 15, 16A, 17, 18, 19B, 19C, 20 (EXCEPT UNIT 20E, 21, 22B, 22C, 22D, 22E, AND 23-26 IS ONE BEAR PER REGULATORY YEAR; A BEAR TAKEN IN THESE UNITS DOES NOT COUNT AGAINST THE ONE BEAR EVERY FOUR REGULATORY YEARS' BAG LIMIT ESTABLISHED FOR BROWN BEARS IN OTHER UNITS.) In Unit 20(E), a person may take two brown bears per regulatory year; [A BEAR TAKEN IN THIS UNIT DOES NOT COUNT AGAINST THE ONE BEAR EVERY FOUR REGULATORY YEARS' BAG LIMIT ESTABLISHED FOR BROWN BEARS IN OTHER UNITS;]

(2) repealed 8/9/90;

(3) repealed 8/9/90;

(4) The bag limit for a resident hunting in Unit 9B, all drainages in Unit 9E that drain into the Pacific Ocean between Cape Kumliun and the border of Unit 9D and Unit 9E, Unit17, Unit18, that portion of Units 19A and 19B downstream of and including the Aniak River Drainage, Unit 21D, Unit 22, Unit 23, Unit 24, and Unit 26A with a subsistence brown bear registration permit one bear per regulatory year; [A BEAR TAKEN UNDER A REGISTRATION PERMIT IN ANY OF THESE AREAS WILL NOT COUNT AGAINST THE ONE BEAR EVERY FOUR REGULATORY YEARS BAG LIMIT ESTABLISHED FOR BROWN BEARS TAKEN UNDER A RESIDENT TAG;]

(5) repealed 7/1/2004;

(6) A person may not take more than one brown bear, statewide in any regulatory year, except that in Unit 16B, 19A, 19D, 20E, and 22A, a person may take two brown bears per regulatory year.

What is the issue you would like the board to address and why? Change the brown bear statewide bag limit from one bear every four regulatory years to one bear every regulatory year. This would result in fewer exceptions than the current regulation and should make it easier to understand and enforce.

The current regulation was implemented in the early 1960's. This was a time of heavy exploitation, much of it illegal, and the population was suspected to be declining. The current brown bear population has recovered and the Board of Game has encouraged an increased harvest.

In Alaska, there are currently 72 units/subunits used for bear management. Nineteen of these units conform to the harvest of one bear every four years and 53 units have exceptions to allow for the harvest of at least one bear every regulatory year. Seven of these exceptions are to allow the harvest of two brown bears every regulatory year.

This vast number of exceptions makes it difficult to comprehend and follow the regulations. If the brown bear population in some units/subunits require additional protection, a permit system, alternating season dates or a longer waiting period could be reestablished for those few areas. There would be fewer exceptions this way. In fact the majority of the units/subunits still adhering to the one per four years restriction, presently operate under a registration permit system. This system allows ADF&G to rapidly close the hunting season when a desired harvest has been reached and would fit nicely in a one bear per season limit without needing a bag limit exception. The proposed change should have no impact on the statewide brown bear harvest, but it would certainly simplify the regulations making compliance and enforcement more clearly defined.

PROPOSED BY: Nick Steen (EG-C15-071)

PROPOSAL 56 - 5 AAC 92.220(e). Salvage of game meat, furs, and hides. Prohibit the transport of hide and skull of black or brown bear from the field until edible meat has been salvaged as follows:

5 AAC 92.220(e). Salvage of game meat, furs, and hides.

...

(e) Antlers, [OR] horns **or the hide and skull of a brown bear or black bear** may not be transported from the kill site until all edible meat salvaged in accordance with **regulation** [(d) OF THIS SECTION] has been transported to the departure point from the field. However, antlers, [OR] horns **or the hide and skull of a brown bear or black bear** may be transported simultaneously with the final load of edible meat salvaged.

(f) Antlers, [OR] horns **or the hide and skull of a brown bear or black bear** may not be transported from the field unless accompanied by all edible meat or unless possession of the meat has been transferred in accordance with 5 AAC 92.135.

What is the issue you would like the board to address and why? The current regulations specify antlers or horns may not be transported from the kill site until all edible meat is salvaged in accordance with the regulation and has been transported to the departure point from the field or simultaneously with the final load of edible meat.

The issue the Alaska Wildlife Troopers would like the board to address is the transportation of a black and brown bear hide and skull being transported from the field before any of the edible meat is salvaged where the salvage of meat is required. Currently a resource user can salvage the hide and skull from a black or brown bear and leave the edible meat in the field until a later time. A black or brown bear is considered a trophy animal and the hide and skull should hold the same restrictions for transporting from the field as antlers and horns of other trophy big game animals.

PROPOSED BY: Alaska Wildlife Troopers (EG-C15-041)

PROPOSAL 57 - 5 AAC 92.200(b). Purchase and sale of game. Allow the sale of brown bear hides and/or skulls by resident hunters as follows:

Statewide; allow resident Alaskan hunters to sell the hides with claws attached and/or skulls of legally taken brown bears harvested in units where the bag limit is two or more bears per season.

The Nushagak Advisory Committee submitted a similar proposal for Unit 17 only during the February 13–20, 2015 Board of Game meeting. At that meeting, the recommendation to the Board of Game by the Department of Fish and Game was that this proposal would be best addressed at a statewide board meeting because it is addressing a statewide regulation. Hence we are submitting this proposal for consideration in the 2016 Statewide Regulations meeting.

What is the issue you would like the board to address and why? The abundant population of brown bears in some units needs reduction to reduce predation on moose and caribou and to reduce bear hazards around communities. The advisory committee believes brown bear predation on moose and caribou calves is a significant concern. Recent years have seen an increase in brown bears damaging remote cabins and other property. Therefore in several units, regulations allow a generous two per year bag limit. But individuals are limited in their ability to use many brown bear hides and skulls. Adoption of this regulation would provide economic incentives to encourage the harvest of more brown bears. It has been too difficult to get brown bears included in local predator control programs and this might be a helpful alternative.

PROPOSED BY: Nushagak Advisory Committee

(EG-C15-015)
