

PROPOSAL 41 – 5 AAC 92.012. Licenses and tags. Exempt rural subsistence hunters from the requirements for obtaining a waterfowl conservation tag as follows:

The Native Caucus of the Alaska Migratory Bird Co-Management Council (AMBCC) would like the Alaska Board of Game to consider establishing an exemption from the regulation requiring all hunters under the age of 18 to purchase an Alaska Waterfowl Conservation Tag (State Duck Stamp). This would exempt rural Alaska subsistence hunters from having to purchase the waterfowl conservation tag in order to participate in the federal spring-summer subsistence harvest season for migratory birds.

What is the issue you would like the board to address and why? The Native Caucus of the Alaska Migratory Bird Co-Management Council (AMBCC) requests that the board exercise its authority under Alaska Statute 16.05.340 to promulgate a regulation exempting people who live in eligible areas (as defined by 50 C.F.R. § 92.5(a)) and who engage in subsistence hunting of migratory birds from the requirement that they obtain a state waterfowl conservation tag, or duck stamp, for waterfowl hunting for the subsistence harvest season for migratory birds. In the alternative, the Native Caucus requests the board take any action within its power to exempt subsistence hunters from having to obtain a state duck stamp in order to participate in the subsistence harvest of migratory birds.

Under AS 16.05.340(a)(17)(B), the board can by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from the programs described in AS 16.05.130(b)(2)-(4).

AS 16.05.130(b)(2)-(4) provides that money accruing to the state from waterfowl conservation tag fees from hunters may not be diverted to a purpose other than...

- (2) the acquisition, by lease or otherwise, of wetlands that are important for waterfowl and public use of waterfowl in the state;
- (3) waterfowl related projects approved by the Commissioner;
- (4) the administration of the waterfowl conservation program...

In 2014, Congress amended the Duck Stamp Act to exempt the customary and traditional subsistence harvest of migratory waterfowl in Alaska from the Act's requirements that all hunters purchase and carry federal duck stamps. Federal law now exempts rural Alaskan residents engaged in subsistence uses of migratory waterfowl from having to obtain a federal duck stamp. *See* 16 U.S.C. § 718a(a)(2)(D). Given the preemptive nature of federal law over the management and regulation of migratory birds, state laws and regulations should be consistent with those federal requirements, and should not require obtaining a state duck stamp in order to engage in subsistence uses of migratory waterfowl.

Furthermore, included areas within Alaska where subsistence migratory bird hunting is allowed under 50 C.F.R. § 92.5(a) will not benefit from the programs described in AS 16.05.130(b)(2)-(4).

Finally, requiring that subsistence users obtain a state duck stamp is inconsistent with the subsistence way of life and customary subsistence practices. Alaska native hunters have long viewed the subsistence harvest of migratory birds and their eggs as a community tradition, as people often hunt or egg together as a family, and community members often hunt and egg for other community members who cannot. Migratory birds and their eggs are widely shared and distributed throughout the community, as well. Requiring the purchase of a duck stamp in order to participate is alien to these customary and traditional harvests.

Compliance with this requirement also places an extra administrative burden upon subsistence users, many of whom live in remote areas, and creates a financial hardship for those who can least afford it. The requirement is also inconsistent with customary and traditional practices.

Unless the board takes action, the customary and traditional harvest of migratory birds and their eggs will be deprived of an important part of its customary and traditional character, as hunters and egg gatherers find themselves subjected to a regulatory requirement that makes little sense in the context of this unique harvest.

PROPOSED BY: Native Caucus of the Alaska Migratory Bird Co-Management Council
(EG-F17-083)
