

# Statewide Regulations

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## Tentative Meeting Agenda

November 10–17, 2017 | Anchorage, Alaska  
The Lakefront Anchorage, Redington Ballroom

**NOTE: This Tentative Agenda is subject to change throughout the course of the meeting.** This Tentative Agenda is provided to give a general idea of the board’s anticipated schedule. The board will attempt to hold to this schedule; however, the board is not constrained by this Tentative Agenda.

### **Friday, November 10, 8:30 AM**

#### OPENING BUSINESS

- Call to Order / Purpose of Meeting
- Introductions of Board Members and Staff
- Board Member Ethics Disclosures

#### AGENCY AND OTHER REPORTS

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY upon conclusion of staff reports

**THE DEADLINE TO SIGN UP TO TESTIFY will be announced prior to the meeting.**

Public testimony will continue until persons who have signed up before the deadline, and who are present when called by the Chair to testify, are heard.

### **Saturday, November 11, 8:30 AM**

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY

### **Sunday, November 12, 9:00 AM**

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY

BOARD DELIBERATIONS upon conclusion of oral public testimony

### **Monday, November 13 – Thursday, November 16, 8:30 AM**

BOARD DELIBERATIONS continued

### **Friday, November 17, 8:30 AM**

BOARD DELIBERATIONS

MISCELLANEOUS BUSINESS, including petitions, findings, resolutions, letters, and other business

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### **Agenda Notes**

- Meeting materials, including a list of staff reports, a roadmap, and schedule updates, will be available at: [www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo) or by contacting the ADF&G Boards Support Office in Juneau at 465-4110.
- A live audio stream for the meeting is intended to be available at: [www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov)
- The State of Alaska Department of Fish and Game complies with Title II of the Americans with Disabilities Act of 1990 (ADA). Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this hearing and public meeting should contact 465-4110 no later than October 27, 2017 to make any necessary arrangements.

## Definitions

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**PROPOSAL 1 – 5 AAC 92.990(a)(6) Definitions.** Modify the definition of bag limit as follows:

The definition of "bag limit" should be as follows:

5 AAC 92.990(a)(6) "bag limit" means the maximum number of animals of any one game species a person may **kill or harvest** [TAKE] in the unit or portion of a unit in which the **killing** [TAKING] occurs; an animal disturbed in the course of legal hunting does not count toward a bag limit;

**What is the issue you would like the board to address and why?** The definition of "bag limit" is excessively restrictive because it includes the definition of the word "take". "Take" is defined as taking, pursuing, hunting fishing, trapping or **in any manner** disturbing, capturing, or killing or **attempting** to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game. So if a hunter goes into the field and simply attempts to hunt a given species, he has by definition taken that animal and thus probably already exceeded his bag limit. I have been told that the definition of "take" is controlled by the legislature but that the definition of "bag limit" is a regulation of the Board of Game.

**PROPOSED BY:** John Frost

(EG-F17-049)

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**PROPOSAL 2 – 5 AAC 92.990(a)(87). Definitions; 92.010. Harvest tickets and reports; and 92.003. Hunter education and orientation requirements.** Modify the definition of youth hunt, allow youth hunters to obtain their own harvest ticket, and remove the hunter education requirement for youth hunters as follows:

There are three areas in current regulation that would need to be adjusted to accomplish change:

1) I recommend the Board of Game (board) change the definition of youth hunt to accommodate hunters starting at eight years of age (this is the minimum age allowed by state statute).

Regulation:

a. Youth Hunt – a hunt limited to a child aged **8** [10]–17 and an accompanying adult that is a licensed resident hunter 21 years of age or older. If the child is a nonresident, the accompanying adult must be a resident parent, stepparent, or legal guardian of the child. The bag limit counts against both the youth and the accompanying adult.

2) Additionally, I recommend allowing hunters from the ages of eight to seventeen to obtain their own harvest ticket or drawing tag that would allow them to participate in youth hunting seasons. The current regulation specifies the need for youth ten to seventeen obtain a harvest ticket or drawing tag for youth hunts. In conjunction, I also ask the board to consider waiving the requirement that the youth have completed a hunter education course before partaking in youth hunts, since immediate adult supervision is required for all "youth hunts". Regulation:

a. Hunters under age 10 may not have their own big game bag limit, so they may not obtain harvest tickets or permits **with the exception of youth hunters hunting in a youth hunting season.** (See "Youth hunts only" pg. 13 of the Alaska Hunting Regulations booklet.)

- b. Youth hunts only: Hunter education is **not** required for youth hunters participating in “youth hunts[.]” **under the required supervision of an accompanying adult that is a licensed resident hunter 21 years of age or older. Additionally, participants in a “youth hunt” may obtain their own harvest ticket/draw permit.** (See page 35 of the Alaska Hunting Regulations booklet for “youth hunt” definition.)

What is the issue you would like the board to address and why? The opportunities currently available to youth participating in “Youth Hunts” excludes children younger than ten years of age. Under the current regulations, children younger than ten can hunt during the general season/draw hunt under the supervision of and using a licensed hunters permit or harvest ticket, but do not have the opportunity to participate in youth hunts specifically for youth hunters.

Changing the definition of “Youth Hunt” to allow youth under ten years of age to participate would let children gain more experience in the field with adults who would have the chance to teach children during special seasons that have been created specifically for youth hunters in mind.

In a hunt that is specifically made for young hunters, where immediate adult supervision is required, excluding children who are capable of and interested in hunting is unnecessary and counterproductive. Regulations within youth hunt special seasons, as well as in hunts where a child under ten harvests an animal in the general season, require youth harvests to be applied towards the accompanying adult’s bag limit.

Our future generation of hunters and outdoors people should be given every opportunity to partake in the outdoor experience, including those designated for our youth. This change would provide further opportunities for the hunting community to engage future generations in the outdoors.

**PROPOSED BY:** Jacob Mattila (HQ-F17-021)  
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**PROPOSAL 3 – 5 AAC 92.990(a)(68). Definitions.** Modify the definition of regulatory year as follows:

Replace regulatory year with calendar year regulations or define regulatory year such that it matches the definition for a calendar year. There would need to be an unusual regulatory year to transition from July 1 to January 1.

Example:

Regulatory Year 2018 (7/1/2018–6/30/2019) would become (7/1/2018–12/31/2018)

Regulatory Year 2019 and future years would run January 1 to December 31

For the purposes of hunts which might cross regulatory year boundaries, pick a simple definition such as "the regulatory year of the hunt will be the year of the normally scheduled open date of

the first season" so that emergency season adjustments do not change the regulatory year of a hunt.

The shortened regulatory year for transitioning should prevent any hunts from having to occur twice in a regulatory year. Some hunts will "skip" a regulatory year but would still be held at their usual time. In the example above there would be no 2018 DB132, however it would still occur and be listed as a 2019 hunt.

**What is the issue you would like the board to address and why?** Help address confusion between regulatory and calendar years for hunters and ADF&G staff. This would also synchronize the permitting and license years. This is particularly confusing for hunts with season dates that fall entirely outside the calendar year of the regulatory year.

Example: 2017 DB132 is scheduled for 4/1/2018–5/15/2018

This will also eliminate the need to display two years everywhere a regulatory year is printed to address this specific confusion.

Disclaimer: I am a wildlife conservation employee and am submitting this personally. This does not reflect the opinion of ADF&G or the Division of Wildlife Conservation. After the transition period, I believe this would reduce the complexity of the systems and reports for wildlife conservation staff.

**PROPOSED BY:** Joseph Waters (EG-F17-033)  
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**PROPOSAL 4 – 5 AAC 92.990(a)(26). Definitions.** Change the definition of edible meat for large game birds as follows:

Regulation change:

**5 AAC 92.990. Definitions.**

(26) "edible meat" means, in the case of a big game animal, except a bear, the meat of the ribs, neck, brisket, front quarters, hindquarters, and the meat along the backbone between the front and hindquarters; in the case of a bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of small game birds, except for cranes, geese, and swan, the meat of the breast; in the case of cranes, geese, and swan, the meat of the breast, **back, wings, gizzard, and heart** and meat of the femur and tibia-fibula (legs and thighs); however, "edible meat" of big game or small game birds does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

**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) is proposing that the definition of edible meat for large-sized migratory game birds in the fall/winter migratory bird hunting

regulations be more consistent with that for the spring/summer subsistence migratory bird harvest regulations to reduce or prevent waste. The current definition of edible meat for swans, geese, and cranes to be salvaged for human consumption is the meat of the breast and meat of the legs and thighs. The AMBCC Native Caucus is proposing to further define edible meat for swans, geese and cranes to include breast, back, thighs, legs, wings, gizzard and heart.

**PROPOSED BY:** Native Caucus of the Alaska Migratory Bird Co-Management Council  
(EG-F17-048)

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**PROPOSAL 5 – 5 AAC 92.990. Definitions.** Change the definition of a moose antler point/tine as follows:

5 AAC 92.990(a)(13) “brow tine” means a tine emerging from the first branch or brow palm on the main beam of a moose antler; the brow palm is separated from the main palm by a wide bay; a tine originating in or after this bay is not a brow tine; **an antler point or tine originating within two inches from the base, and less than three inches in length, will not be counted as a brow tine;**

5 AAC 92.990(a)(46) “moose antler” definitions:

- (A) “50-inch antlers” means the antlers of a bull moose with a spread of 50 inches or more measured in a straight line perpendicular to the center line of the skull;
- (B) “spike-fork antlers” means antlers of a bull moose with only one or two tines on at least one antler; [AN ANTLER POINT OR TINE ORIGINATING WITHIN TWO INCHES FROM THE BASE, AND LESS THAN THREE INCHES IN LENGTH, WILL NOT BE COUNTED AS A TINE,] male calves are not considered spike-fork bulls; **spike-fork bulls can be either spike and/or fork configuration;**
- (C) “spike” means antlers of a bull moose with only one tine on at least one antler; for the purposes of this subparagraph, male calves are not considered spike bulls;
- (D) **“fork” means antlers of a bull moose with only two tines on at least one antler;**

5 AAC 92.990(a)(61) “point” means any antler projection that is at least one inch long, and that is longer than it is wide, measured one inch or more from the tip; **an antler point or tine originating within two inches from the base, and less than three inches in length, will not be counted as a tine;**

5 AAC 92.990(a)(80) “tine” has the same meaning as “point”;

**What is the issue you would like the board to address and why?** Selective harvest regulations for bull moose have evolved from those originally envisioned (50-inch three brow tine (BT) pre-1987 and spike-fork 50-inch three BT in 1987). Today there are 50-inch 3BT, 4BT and 2BT by 2BT descriptions of legal moose in regulation. There are also spike-fork and spike categories of legal moose. Proposals have recently been considered for other configurations.

Confusion still exists by some hunters about legal bull moose. This new language attempts to clarify regulations previously passed by the Board of Game about “drop tines” or “burr tines”

(points emerging from the base or very near the base). This proposal clarifies that “drop tines” or “burr tines” do not count as spikes, forks, or brow tines. In addition, this proposal clarifies the term “spike-fork” includes both spike or fork bulls. Finally we add a definition of “fork” bulls for additional clarification.

**PROPOSED BY:** Alaska Department of Fish and Game

(HQ-F17-027)

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## **Unlawful Methods**

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**PROPOSAL 6 – 5 AAC 92.095. Unlawful methods of taking furbearers; exceptions.** Allow the incidental take of up to two furbearers per year during an open season for other furbearers as follows:

Either:

"Allow two (2) total incidental furbearer catch by trapping per licensed trapper per year for any species that have a "no limit" bag limit. The incidental closed season catch must have been taken in traps set for a species that still has an open season.

Or:

"If a trapper incidentally takes a furbearer during a closed season in a trap that is set for a furbearer species that is still open, the Department of Fish and Game (ADF&G) may issue a total of two (2) incidental take tags per licensed trapper per year only for species that have a "no limit" bag limit. The trapper must report these within 30 days to ADF&G for tagging, and sealing if required. The trapper may then keep the incidentally taken furbearer.

**What is the issue you would like the board to address and why?** Allow two total incidental furbearer catch by trapping per licensed trapper per year. If all seasons are not aligned, there will be some incidental take of the closed species in traps set for species that are still open. You would still need to report to ADF&G within 30 days of take to get animal sealed or otherwise checked-in.

**PROPOSED BY:** Copper Basin Fish and Game Advisory Committee (EG-F17-045)

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**PROPOSAL 7 – 5 AAC 92.095 Unlawful methods for taking furbearers; exceptions.** Allow the use of bow and arrow to harvest beaver under a trapping license statewide as follows:

Allow harvest of beaver with bow and arrow statewide.

**What is the issue you would like the board to address and why?** At time of the year when the water is open and beaver season is open it should be legal to take beaver with a bow and arrow. This is confusing in the trapping regulation summary book. On page 13 it says that you may use any method to take furbearers with a trapping license unless it is prohibited below. There does not appear to be any prohibition to taking beaver with a bow and arrow on page 13. However, subsequently in the regulations for each unit there are several places where it specifically says, "You may not take beaver by any means other than steel trap or snare except," then the exceptions are varied and in some areas it is specifically legal to use firearms but sometimes with the requirement that the meat be saved. It would seem that these regulations could be simplified by allowing statewide harvest of beaver by shooting and specifically include bow and arrow.

It is difficult to know the exact wording for the regulation change because in fact it may be that the actual regulations do not prohibit taking beaver statewide during season with bow and arrow. Page 13 of the trapping regulations summary would seem to allow that. It may be somehow the

ADF&G staff responsible for writing the regulation summary book misinterpreted the regulations. There does not seem to be any logical reason to prohibit taking beaver with bow and arrow.

**PROPOSED BY:** John Frost (EG-F17-059)  
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*Note: Alaska Statute 16.05.783 only allows same day airborne taking of wolves and wolverine as part of a predator control program authorized by the Board of Game.*

**PROPOSAL 8 – 5 AAC 92.095. Unlawful methods for taking furbearers; exceptions.** Remove the same day airborne restrictions for taking wolf and wolverine with a trapping license as follows:

Allow shooting a wolf or wolverine during trapping season on the same day airborne as long a person is more than 300 feet from his airplane and has a trapping license.

**What is the issue you would like the board to address and why?** Under the trapping regulations it is legal to shoot fox, coyotes and lynx on the same day airborne as long as the trapper is more than 300 feet from his airplane. But it is specifically NOT legal to shoot a wolf or wolverine unless it is already caught in a trap or snare. There are at least two scenarios in which a person operating under the authority of a trapping license might encounter a wolf or wolverine and wish to harvest that animal. In one case, a trapper has flown to a remote trap line and is checking his traps either by foot or snow machine and encounters a wolf or wolverine, perhaps the wolf or wolverine is even raiding the trappers traps of martin but the trapper cannot shoot the wolf or wolverine because he has been airborne that day. In the second case, the trapper is attempting to take furbearers specifically by predator calling. The trapper may fly out in the morning, land his plane in a suitable area and hike while setting up and predator calling every half mile or so. This is an enjoyable way to hunt that is becoming more popular (witness the sales of predator calls at Cabela’s and Bass Pro). If a fox, lynx or coyote comes in to the call it is legal to shoot but not a wolf or wolverine. This does not make much sense especially when the bag limit in essentially every unit except Units 14 and 16A is unlimited for both wolf and wolverine.

**PROPOSED BY:** John Frost (EG-F17-057)  
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**PROPOSAL 9 – 5 AAC 92.090. Unlawful methods of taking fur animals; and 92.095. Unlawful methods of taking furbearers; exceptions.** Modify the land and shoot requirements for harvesting coyotes as follows:

5 AAC 92.090. Unlawful methods of taking fur animals

...

(3) a person who has been airborne may not take or assist in taking a fur animal, **except coyotes**, until after 3:00 a.m. following the day in which the flying occurred; this paragraph does not apply if the person is at least 300 feet from the airplane at the time of taking.



and

5 AAC 92.095. Unlawful methods of taking furbearers; exceptions

...

(8) a person who has been airborne may not use a firearm to take or assist in taking a wolf or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred; or in taking [A COYOTE,] arctic fox, red fox, or lynx, unless that person is over 300 feet from the airplane at the time of the taking; this paragraph does not apply to a trapper using a firearm to dispatch an animal caught in a trap or snare;

**What is the issue you would like the board to address and why?** The issue is to allow harvesting coyotes by land and shoot methods, that doesn't require you to be more than 300 feet from the airplane under both a hunting and trapping license. There is an abundance of coyotes and this would allow another means of harvesting them.

**PROPOSED BY:** Upper Tanana/Fortymile Fish and Game Advisory Committee (EG-F17-040)  
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**PROPOSAL 10 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions.**  
Repeal the restrictions on the use of aircraft for taking big game as follows:

Repeal 92.085(8) or Repeal (A), (D), and (G).

**What is the issue you would like the board to address and why? Repeal 92.085(8)** a person who has been airborne may not take or assist in taking a big game animal and a person may not be assisted in taking a big game animal by a person who has been airborne until after 3:00 a.m. following the day in which the flying occurred, and from August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season, however, aircraft other than helicopters may be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep. The Board of Game (board) finding 2016-213-BOG, dated March 17, 2016, is adopted by reference. Restrictions in this paragraph do not apply to **(A)** taking deer; **(D)** taking caribou from January 1 through April 15, in Unit 22 if the hunter is at least 300 feet from the airplane at the time of taking; **(G)** a hunter taking a bear at a bait station with the use of bait or scent lures with a permit issued under 5 AAC 92.044, and if the hunter is at least 300 feet from the airplane at the time of taking:...

Board finding #2016-213 dated March 17, 2016 is at variance with the principal of exceptions under 92.085 and the finding stands manifestly in contradiction to previous board actions under 92.085(8)(A)(D)(G).

Board finding #2016-213 acknowledged there was public opposition to Proposal 207 and also public support declaring “support from hunters that did not use aircraft” thus implying that opposition to ‘207’ came only from hunters who used aircraft.

The board also acknowledges in its finding and as a rationalization for its decision that there has been for a decade long complaint regarding the "perception" of crowding and increased competition but fails to affirm through its finding what other action the board has considered and declined to act on that could have the same or more impact in addressing these issues.

The board chairman essentially came at this issue of 'perception' deciding the board had heard enough of a decades old complaint of "controversial practice of hunting for wildlife from aircraft" and the board chose only to address the use of aircraft for sheep hunting through its own board generated proposal supported after the fact by its finding of March 2017. But the contradictions continued in that aircraft use was only considered controversial for sheep and only between August 10 and September 20. This baseline justification for the exception to 92.085 to prohibit a "controversial practice" only serves to continue the contradictions.

Obviously not all hunters use aircraft to hunt deer (A), caribou (D) or bears over bait (G). It must also be true that such promotion of the use of aircraft under 92.085 (A, D, and G) disrupts the efforts of other hunters through displacement of animals and lowers the quality of experience for other hunters. It should not go unnoticed that the board failed to consider whether the broadening of aircraft use corresponding to previously authorized practice of hunting wildlife from aircraft in the taking of deer, caribou or bears over bait factually demonstrates the board promoting a "controversial practice" on the one hand and prohibiting the practice on the other hand and may resemble an arbitrary and capricious act.

The finding further cites technological advances of aircraft as justification to the exception (at 8) ignoring reciprocal technological advances in clothing, optics, ballistics, mapping, communication tools, food, packing/hiking/camping gear, an increase in access to types and sources of information including hunter educational material (*which could and has been used by ADF&G and board as a tool to mitigate controversial issues*) on how to sheep hunt videos, TV programs and a broader range and availability of data and statistics has also advanced considerably in the past decade and is as likely to be promoting the 'perception' of crowding and increased competition as advances in aircraft technology.

Maintaining exceptions for use of aircraft (same day airborne) for the hunting of deer, caribou and bears over bait or the effectiveness of advances in technology as applied to other valid methods of hunting further devalues the authenticity of the board's own proposal or board finding #2016-213.

92.085 (8)(A) (D) (G) simply do not line up. It is requested through this proposal that the board consider each of the exceptions individually and in light of its own Proposal 207 and board finding #2016-213. It is widely recognized by many hunters; those who use aircraft and those who do not, there is likely an undisclosed purpose to (8) and in reconsidering the validity of (A) (D) (G) it is hoped consistency can be re-established to 5 AAC 92.085. Unlawful methods of taking big game; exceptions.

**PROPOSED BY:** Mike McCrary

(EG-F17-060)

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**PROPOSAL 11 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions.**  
Modify the restrictions on the use of aircraft for sheep hunting as follows:

**5 AAC 92.085 Unlawful methods of taking big game; exceptions....(8)** a person who has been airborne may not take or assist in taking a big game animal until after 3:00 a.m. following the day in which the flying occurred, and from August 10 – September 20 aircraft may not **intentionally approach any sheep or group of sheep closer than 1000 feet, or repeatedly approach them in a manner that results in them altering their behavior.** [BE USED BY OR FOR ANY PERSON TO LOCATE DALL SHEEP FOR HUNTING OR DIRECT HUNTERS TO DALL SHEEP DURING THE OPEN SHEEP HUNTING SEASON, HOWEVER, AIRCRAFT OTHER THAN HELICOPTERS MAY BE USED BY AND FOR SHEEP HUNTERS TO PLACE AND REMOVE HUNTERS AND CAMPS, MAINTAIN EXISTING CAMPS, AND SALVAGE HARVESTED SHEEP.] **This prohibition does not intend to prohibit any flight maneuvers that are necessary to make an informed and safe landing in the field.**

**What is the issue you would like the board to address and why?** 5 AAC 92.085 currently reads: “Unlawful methods of taking big game; exceptions....(8) a person who has been airborne may not take or assist in taking a big game animal until after 3:00 a.m. following the day in which the flying occurred, and from August 10 – September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season, however, aircraft other than helicopters may be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep.”

We support the Board of Game’s (board) efforts to encourage the ethical use of airplanes and to work towards a quality sheep hunting experience for all, but think the current regulation is excessively broad and restrictive. This regulation has caused division among hunters, and causes concern to most pilots, of being suspect of spotting while performing necessary and normal operating procedures. Moose, caribou and bear also live in most sheep country and seasons are open at the same time.

What will happen if nothing is done? Unnecessary division amongst sheep hunters and resentment towards the board by many who otherwise support most of what they do will continue. We think most hunters can agree that approaching sheep during hunting season, close enough that you can tell if they are legal rams, is too close and will disturb the sheep and hunters on the ground. We would like to work towards better language to accomplish this.

Other solutions considered and why did you reject them? We also considered changing the same day airborne law for sheep from 3:00 a.m. to 8:00 a.m. or noon, and discussed different distances. We rejected changing times because that would not restrict spotting and buzzing sheep. We settled on 1,000 feet for distance, because though sheep can be seen as white spots on a hill side from a long way off, to tell whether they are legal rams, you have to be fairly close. Most full-curl sheep horns are about 12 inches in diameter. We went to an airport and ranged aircraft with 12-inch numbers. Standing still, 12-inch numbers are pretty unreadable to the naked

eye of most at 700 feet, and just a blur at 1,000 feet; and that's standing still, not moving at 70 miles per hour.

While some may have concern about the enforceability of our proposed language, we think most hunters want to be legal and obey the law. 1,000 feet is standard pattern altitude at most airports and is an altitude that most pilots should be fairly familiar with. We think text in the hunting regulation encouraging sheep hunters/pilots to fly around the pattern at 1,000 feet above ground level before flying out to sheep hunt, and reminding them to maintain at least that distance between them and any white spots they see in the mountains, would go a long way towards compliance. The last sentence in our proposed language is verbatim per RC 038 from the March 2016 Board of Game meeting.

**PROPOSED BY:** Alaska Professional Hunters Association (EG-F17-042)  
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**PROPOSAL 12 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions.**  
Remove the restrictions on the use of aircraft for sheep hunting as follows:

Simply rescind the regulations created by passing the Board of Game generated Proposal 207.

**What is the issue you would like the board to address and why?** The regulation promulgated by the Board of Game (board) commonly referred to as Proposal 207 (regarding use of aircraft during sheep season) is not good for many reasons:

- 1) It promotes crowding at the beginning of sheep season.
- 2) It encourages flying into unsafe conditions for hunters trying to get into position prior to season opening.
- 3) It discourages making several passes to evaluate the safety of a landing area (that may have changed significantly from the previous year).
- 4) Because sheep move from mid-summer ranges to fall ranges it give significant advantage to hunters who hunt the first week of the season or to guides who may have several assistant guides continuously in the field and are able to keep track of sheep movements.
- 5) There is already a federal law (the anti-airborne hunting act) that prohibits disturbing any wildlife with an aircraft. This essentially already prohibits the type of activity that the board intends to limit with Proposal 207.
- 6) If an air taxi operator is flying a client into an area for a drop-off hunt it has been traditional to make one circle around the general area of the drop-off location to give the hunter an idea of the "lay of the land". This is still legal if the hunter is hunting moose, caribou, bear or goats but not sheep. It interferes with the safety and enjoyment of the hunt.
- 7) I can personally say that it adds a layer of repressive regulation that makes sheep hunting less

safe and less enjoyable for resident hunters who own aircraft.

8) It has resulted in some resident sheep hunters not hunting sheep.

9) It resulted in the formation of a resident hunter activist group Resident Hunters of Alaska (RHAK).

10) It was opposed by many advisory committees.

**PROPOSED BY:** John Frost (EG-F17-055)

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**PROPOSAL 13 – 5 AAC 92.080(7). Unlawful methods of taking game; exceptions.** Clarify the regulation that prohibits the use of a “cellular or satellite telephone” to take game as follows:

Current regulation states that you may not use a “cellular or satellite telephone” to take game. Possible solutions might be that the use of cellular or satellite devices are exempted for certain use. Other possibilities might include re-affirming that cellular or satellite phones cannot be used for any reason to take game.

**What is the issue you would like the board to address and why?** Clarify the use of cellular or satellite phones to take game animals. 5 AAC 92.080 prohibits certain methods of taking game. One method that is prohibited is the use of cellular or satellite phones. Technology has dramatically increased over the years. Cell phone capabilities, cell service and smart phones have all made it easier for hunters to use these devices for hunting utilizing various technologies. Examples of this technology are game cameras that are communicating with cell phones to let the hunter know an animal is in the area that they are hunting and devices connected by satellite when cell service is not available. This technology is becoming increasingly popular at bear bait sites, for general hunting and with trappers.

As technology changes, it is difficult to interpret the regulations for enforcement purposes. Additionally, regulations should be clear for the public so there is little room for interpretation. The Alaska Wildlife Troopers would like the Board of Game to clarify the use of cell phones and satellite communication devices for the purpose of hunting and taking game. This clarification will benefit both the hunters and the Alaska Wildlife Troopers enforcing the regulation.

Current regulation states that you may not use a “cellular or satellite telephone” to take game. The board should discuss the timeline and specific uses of these devices.

**PROPOSED BY:** Alaska Wildlife Troopers (HQ-F17-018)

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**PROPOSAL 14 – 5 AAC 92.080(7). Unlawful methods of taking game; exceptions.** Prohibit the taking of bears in dens as follows:

The solution would be to stop the innocent slaughter of bears and their cubs in their dens.

**What is the issue you would like the board to address and why?** Thank you in advance for reading this proposal, as I am unable to attend the 2017 meeting. I am writing today to voice my views on what I understand to be the results of the law re-instating 5 AAC 92.080 Control of Predation by bears. I hope I have this right, as even the ADF&G folks I have spoken with say it is very complicated and confusing. In specific number (7) seven, as well as other regulations 5 AAC 92.115-118 or anything pertaining to the innocent slaughter of bears in their dens, (with cubs or without). I realize that management of all fish and wildlife is mandatory for survival of animals, as well as humans, and Alaska has the best management in the U.S. I am all for subsistence hunting for food and protection, but the murder of defenseless animals in their own dens “homes” in the middle of winter, where they should be safe is sickening, especially by means of gas, poison, explosives, etc. Imagine if this happened to you in your home with your family? Would extending/changing the hunting laws be an option for the black bear, surely there must be more humane ways of dealing with this issue?

Again, you will have to excuse my attempts at finding the correct language, rulings, laws, regulations etc. You may want to consider referencing a link to the Alaska State Legislature website, so these laws, rulings and regulations can be understood in layman’s terms. Thank you for your time.

**PROPOSED BY:** Stephanie McCabe (EG-F17-034)  
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**PROPOSAL 15 – 5 AAC 92.260. Taking cub bears and female bears with cubs prohibited.**  
Remove the exception for taking cub bears and female bears with cubs as follows:

**Taking cub bears and female bears with cubs prohibited:**

A person may not take a cub bear or a female bear accompanied by a cub bear. [, EXCEPT THAT A BLACK BEAR CUB OR A FEMALE BLACK BEAR ACCOMPANIED BY A CUB BEAR MAY BE TAKEN BY A RESIDENT HUNTER

- (1) UNDER CUSTOMARY AND TRADITIONAL USE ACTIVITIES AT A DEN SITE
  - (A) FROM OCTOBER 15 THROUGH APRIL 30 IN
    - (I) UNIT 19(A);
    - (II) UNIT 19(D), THAT PORTION OF THE KUSKOKWIM RIVER DRAINAGE UPSTREAM FROM THE SELATNA AND BLACK RIVER DRAINAGES;
    - (III) UNITS 21(B), 21(C), AND 21(D); AND
    - (IV) UNIT 24; AND (B) FROM DECEMBER 1 THROUGH THE LAST DAY OF FEBRUARY IN UNIT 25(D); AND
  - (2) FROM JULY 1 THROUGH NOVEMBER 30 AND MARCH 1 THROUGH JUNE 30 IN UNIT 25(D).]

**What is the issue you would like the board to address and why?** Pursuant to Principle 3 Guideline 3.2 of the Intensive Management Program; practices should be socially sustainable and are closely scrutinized by the public. As such, the Board of Game (board), under the Intensive Management law, must periodically re-evaluate objectives to align with social standards based on feedback from the public stakeholders as defined as inclusive of both

Alaskans and the broader public. The board facilitates this public process for the state's fish and wildlife regulatory system. The exceptions in 5 AAC 92.260 sections 1-2, which permit the practice of taking cub bears and female bears with cubs, have already garnered national attention resulting in negative impact to the Alaskan state tourism business. The associated petition, which has already received over 7,000 signatures and continues to grow in number every day, services as evidence to this growing social awareness and impact. This practice may have some slight impact to reduce predation, but it is clearly not “socially sustainable”. If it is not changed, the awareness and damage to tourism will continue to grow. We ask the board in the best interest of Alaska wildlife and tourism to kindly consider amending 5 AAC 92.260 to remove these two exceptions. The Alaska Administrative Code to be amended has the sections to be removed in all upper case, and the addition underlined and in bold.

**PROPOSED BY:** Alaska Chapter OneProtest (EG-F17-030)

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**PROPOSAL 16 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions.** Allow the use of high-powered air guns during regular firearms and muzzleloader big game hunting seasons as follows:

Define high-powered air guns as the following:

- “Air gun” means a device that launches a pellet or bullet or other projectile like an arrow through the use of compressed air.
- Minimum .357 minimum caliber
- Minimum muzzle energy of 100 foot pounds (FPE)

Expressly allow using high powered air guns during regular firearms and muzzleloader hunting seasons.

**What is the issue you would like the board to address and why?** We would like the Board of Game to allow high powered air guns—100 ft./lbs. muzzle energy or more—to be used during regular hunting seasons for taking big game. You can see some of the hunting videos with these incredible high powered air rifles at: [www.pyramydair.com/s/m/Dragon\\_Claw\\_Dual\\_Tank\\_Air\\_Rifle/2500](http://www.pyramydair.com/s/m/Dragon_Claw_Dual_Tank_Air_Rifle/2500).

**PROPOSED BY:** Val Gamerman (EG-F17-008)

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**PROPOSAL 17 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions.** Prohibit the use of airbows for taking big game as follows:

You may NOT take big game with an “airbow,”

Or, "Airbows" are not legal for use in any archery only area, archery season or special archery hunt.

**What is the issue you would like the board to address and why?** A new device called an "airbow" has recently come on the market. It is essentially a compressed gas device that shoots an arrow-like projectile. The Alaskan Bowhunters Association wants to be certain that this device is not confused with or considered conventional archery tackle.

**PROPOSED BY:** The Alaskan Bowhunters Association

(EG-F17-061)

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## **Falconry**

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*Note: The Board of Game deferred this proposal from the 2017 Arctic/Western Region Meeting. It was previously numbered Proposal 158.*

**PROPOSAL 18 – 5 AAC 92.037. Permits for falconry.** Remove the West Nile Virus testing requirement for raptors as follows:

Remove the requirements to test birds for West Nile Virus.

**What is the issue you would like the board to address and why?** Please remove the West Nile Virus testing requirements, as per Alaska Division of Wildlife Conservation Alaska Falconry Manual 9 Addendum dated March 29, 2013. The current regulation requires falconers to give unnecessary vaccinations for raptors, costs hundreds of dollars in veterinary bills and requires unnecessary quarantines for up to 30 days each time a falconer travels outside of Alaska or imports a raptor.

**PROPOSED BY:** Don Hunley (HQ-2016-ACR8)

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**PROPOSAL 19 – 5 AAC 92.037. Permits for falconry.** Change the nonresident season for taking passage raptors as follows:

Amended regulation should read:

- (7) take is limited to one passage, hatching-year raptor;
- (8) the annual nonresident season for acquiring a passage raptor is from **September 5 – November 20**;

The regulation currently reads:

- (7) take is limited to one passage, hatching-year raptor;
- (8) the annual nonresident season for acquiring a passage raptor is from [AUGUST 15 – OCTOBER 31];

**What is the issue you would like the board to address and why?** This proposal's intention is to roll the nonresident passage take season start date back 20 days from August 15 to September 5, thus allowing young raptors to mature and disperse from their natal sites, making it less likely that targeting certain genetic progeny of certain nesting pairs can occur repeatedly over the years. Current nonresident effort with ever increasing demand could cause the loss of certain scarce genetics by concentrated excessive harvest from the wild gene pool year after year.

Taking of young birds before dispersal, allows for the undesirable impacts of targeting the progeny of specific nest pair genetics from the same nest sites, year after year.

A majority of the nonresident permit applicants are raptor breeders and/or their affiliates and are targeting certain localities and very specific genetic stock. Concentrated attention toward the offspring of these individual birds can ultimately effect the presence and maintenance of certain scarce genetics in the wild.

As nonresident demand for Alaskan birds increases, (demand already surpasses current resident take), we need to have measures in place to preclude undesired affects that will be most likely harmful to the wild gene pool in the future.

It is ok to retain the 76-day nonresident passage season, but adjustments must be made to the start date to better protect nesting pair genetics from the potential long-term impacts of nonresident over selective harvest. Rolling back the start date will greatly dilute concentrated nonresident effort impacting targeted pairs, yet allow nonresidents a reasonable opportunity to take a randomly encountered passage bird.

**PROPOSED BY:** Kurt Schmidt (EG-F17-090)  
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**PROPOSAL 20 – 5 AAC 92.037. Permits for falconry.** Limit nonresident falconers to take raptors every four or five years as follows:

Option A: A nonresident falconer who draws a permit and captures a raptor in Alaska may not apply for a nonresident capture permit for five calendar years.

Option B: A nonresident falconer who draws a permit and captures a raptor in Alaska may not apply for a nonresident capture permit for four calendar years.

**What is the issue you would like the board to address and why?** The Alaska Falconers Association is requesting that the Board of Game (board) institute a regulation that limits a successful applicant for a nonresident falconry capture permit who successfully traps a raptor in Alaska to be ineligible to apply for another nonresident capture permit for a period of five calendar years.

The board’s intent language placed on record when nonresident take was instituted in 2014 was to make available the special opportunity and experience of trapping a raptor in Alaska available to as many nonresident falconers as possible. The Alaska Falconers Association agrees with the board's intent. In the three years that the nonresident allocation has been in place, one individual nonresident falconer drew a capture permit two consecutive years in a row and successfully took a raptor and exported that raptor out of Alaska in both years.

Alaska does not allow a person who successfully fills a drawing permit for a big game animal to re-apply for that same hunt the following year. Alaska prohibits a successful hunter who took a bison, Tok sheep, trophy brown bear in coastal units, or a muskox, from harvesting that same species for multiple years. We feel that raptors taken from Alaska by nonresident falconers hold that same special value and that a nonresident falconer should only be allowed to capture one raptor every five calendar years.

**PROPOSED BY:** Alaska Falconers Association (EG-F17-044)  
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**PROPOSAL 21 – 5 AAC 92.037. Permits for falconry.** Require raptors taken under nonresident capture permits be implanted with microchips as follows:

Add a new section that reads:

Prior to exporting a raptor from Alaska that was taken by a nonresident falconer under the terms of a nonresident capture permit, the raptor must be implanted with a microchip by a licensed veterinarian. Documentation of the procedure and registration must be presented to ADF&G during the check-out process.

**What is the issue you would like the board to address and why?** The Alaska Falconers Association is requesting the Board of Game to require nonresident falconers who successfully draw a nonresident capture permit and trap a raptor in Alaska to have a microchip implanted in the raptor prior to exporting the raptor from the State of Alaska.

Airline companies require a health certificate, issued by a veterinarian, to be obtained for the raptor prior to shipment for export from Alaska. The bird can be microchipped by the vet at the same time the bird is examined for the required health certificate. Microchip identification can assist biologists, law enforcement, and state wildlife agencies keep track of wild origin birds that must stay in state falconry programs. These birds cannot be sold or transferred out of the United States. Implanting a microchip, a simple minimally evasive and inexpensive process, will go a long way in permanently identifying a wild-taken Alaska raptor once it has left the State of Alaska.

Highly prized raptors such as Alaska passage gyrfalcons and peregrine falcons have been traded and sold illegally in the past. ADF&G has documented one gyrfalcon that was trapped on the Yukon Delta as part of a scientific research study that was subsequently re-identified in the Middle East. We believe that implanting a microchip in each raptor that is trapped by a nonresident and subsequently exported from the state will aid in the proper use of that bird as a falconry bird and assist in tracking that bird through its life time.

**PROPOSED BY:** Alaska Falconers Association (EG-F17-065)  
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**PROPOSAL 22 – 5 AAC 92.037. Permits for falconry.** Allow the take of up to five eyas goshawks by nonresidents as follows:

#1. The proponents request an annual take of up to five eyas goshawks (*Accipiter Gentilis*) by nonresident falconers.

#2. This proposed regulation is a new addition to the present Alaskan nonresident take of raptors, and is specific to goshawks.

#3. The proponents request the nonresident take of goshawks using an application and a lottery system administered by the ADF&G. We also suggest applicants be required to purchase a nonresident hunting license to enter the lottery.

#4. The proponents suggest that areas for nonresident take would be determined by ADF&G with the input of Alaskan falconers. Nonresidents must comply with all local state and federal laws concerning raptor take and must have prior approval to enter privately owned or native lands.

#5. The proponents suggest that successful applicants be required to check-out with ADF&G before being issued an export permit to leave the state with an eyas goshawk.

#6. The proponents suggest that a successful applicant will have a one or two year waiting period before being qualified to reapply for this lottery.

**What is the issue you would like the board to address and why?** I represent a group of Alaskan falconers in favor of nonresident take of up to five eyas goshawks per year for nonresident American citizens. The use of eyas raptors in falconry is a normal practice in Alaska and in the lower 48 states. Very few raptors are taken by Alaskan falconers and this traditional practice by nonresidents will have virtually no effect on Alaska’s resident falconers or to the resource. Goshawks are a common species and available to beginning falconers in the state. It is estimated that about 70% of first year raptors die within their first year. In addition, the survivability of the remaining nestlings can be enhanced by reduced competition for food.

The approval of nonresident eyas take of goshawks will provide limited additional funds to the State of Alaska and may financially benefit the private sector through the acquisition of services to access areas for goshawk take. This, for some in the sport, is a once-in-a-lifetime adventure similar to other users coming to our great state.

The proponents would like to thank the Alaska Board of Game for their consideration of this proposal. We are proud of the privilege of residing in Alaska and having access to its vast natural resources, and are willing and happy to share with others our passion for the sport.

**PROPOSED BY:** Timothy Sell (EG-F17-022)  
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**PROPOSAL 23 – 5 AAC 92.037. Permits for falconry.** Update the falconry manual as follows:

The falconry manual has been revised to remove spelling and typographic errors, update changes in statutes and regulations, and update changes to scientific names. In addition, the manual has been condensed by removing redundant statements via the combination of the former “General Information” and “Falconry Standards” sections. This new manual has been provided to the Boards Support Section in both ‘clean’ and ‘track changes’ versions (see [www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposalbook](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposalbook)). The Department of Fish and Game proposes the Board of Game (board) adopt *Alaska Falconry Manual* No. 10 by reference in 5 AAC 92.037.

In addition, the nomenclature (genus) of the western screech-owl has changed according to the American Ornithological Society. We propose the board adopt the updated nomenclature in section (f) of the existing regulation, 5 AAC 92.037.

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

(a) A permit and valid, current Alaska hunting license 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. **10** [9], dated July 1, **2018** [2012]; that section of the falconry manual is hereby adopted by reference. Only a bird defined in (f) of this section as a raptor may be taken, transported, imported, exported, held, or possessed for falconry.

(f) In this section, “raptor” means any bird of the following species, including all subspecies of those species:

(1) northern harrier (*Circus cyaneus*); (2) sharp-shinned hawk (*Accipiter striatus*); (3) northern goshawk; any nonindigenous subspecies of northern goshawk (*Accipiter gentilis*) must be behaviorally (imprinting) or surgically sterilized, except *Accipiter gentilis atricapillus* or *A.g. laingi*.; (4) red-tailed or Harlan's hawk (*Buteo jamaicensis*); (5) rough-legged hawk (*Buteo lagopus*); (6) golden eagle (*Aquila chrysaetos*); (7) white-tailed sea eagle (*Haliaeetus albicilla*); (8) Steller's sea eagle (*Haliaeetus pelagicus*); (9) American kestrel (*Falco sparverius*); (10) Eurasian kestrel (*Falco tinnunculus*); (11) Asiatic sparrow hawk (*Accipiter gularis*); (12) merlin (*Falco columbarius*); (13) gyrfalcon (*Falco rusticolus*); (14) peregrine falcon (*Falco peregrinus*); (15) great-horned owl (*Bubo virginianus*); (16) snowy owl (*Bubo scandiacus*); (17) northern hawk-owl (*Surnia ulula*); (18) barred owl (*Strix varia*); (19) great-gray owl (*Strix nebulosa*); (20) western screech-owl (*Megascops [OTUS] kennicottii*); (21) northern pygmy-owl (*Glaucidium gnoma*); (22) long-eared owl (*Asio otus*); (23) short-eared owl (*Asio flammeus*); (24) boreal owl (*Aegolius funereus*); (25) northern saw-whet owl (*Aegolius acadicus*); (26) a hybrid of the species in this subsection that is produced by a raptor breeder; and (27) the following nonindigenous species: (A) Harris's hawk (*Parabuteo unicinctus*); (B) Cooper's hawk (*Accipiter cooperii*); (C) Ferruginous hawk (*Buteo regalis*); (D) Swainson's hawk (*Buteo swainsoni*); (E) prairie falcon (*Falco mexicanus*); (F) Aplomado falcon (*Falco femoralis*).

**What is the issue you would like the board to address and why?** In 2008, the U.S. Fish and Wildlife Service (USF&WS) substantially changed its regulations governing falconry and required the states to promulgate falconry regulations that are the same or stricter than the federal rules. The USF&WS eliminated the federal permit required for falconry, but retained oversight responsibility for falconry. As such, Alaska was required to be certified by the USF&WS as meeting the federal standards by January 1, 2014. Therefore, the board adopted regulations and the *Alaska Falconry Manual* No. 9 during the 2012 board cycle.

Since 2012, falconers and Department of Fish and Game (ADF&G) staff have found spelling and typographic errors within the manual. In addition, the falconry regulation (5 AAC 92.037) was updated during the 2014 board cycle to include a nonresident take program, and the statute listing the minimum age requirement for resident hunting licenses (AS 16.05.340) was updated in January 2017. These changes have resulted in portions of the manual being out of date.

Lastly, several parts of *Alaska Falconry Manual* No. 9 were stated in slightly different ways in multiple locations of the *Manual* (i.e., under both the “General Information” and “Falconry Standards” sections). As a result, falconers, ADF&G, Alaska Wildlife Troopers, and the Department of Law found the *Manual* could be interpreted differently depending on where and who referenced the *Manual*. As a result, ADF&G and Alaska Falconers Association worked together to condense the *Manual* by deleting the repetitions from the “General Information” section and clarifying any necessary statements in the “Falconry Standards” section.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F17-032)  
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## **Hunting Permits & Harvest Tickets**

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**PROPOSAL 24 – 5 AAC 92.044(10). Permit for hunting bear with the use of bait or scent lures.** Define the term “equipment” for bear baiting as follows:

5 AAC 92.044. Permit for hunting bear with the use of bait

(10) a permittee must remove bait, litter, and equipment from the bait station site when hunting is completed; **for the purposes of this section "equipment" is defined as barrels, tree stands, game cameras, and other items that may be left in the field for use at a bear bait station. Tree stands may be left in the field year-round with permission of the landowner or land manager.**

**What is the issue you would like the board to address and why?** The Board of Game needs to define "equipment" as tree stands, game cameras, and other equipment that may be left in the field as hunting equipment.

The Department of Natural Resources has decided that all hunters will need a permit to leave a stand or camera in the field for more than 14 days in the same location, requiring a fee. We are hoping for an administrative resolution but this proposal is a placeholder in case there is not one reached.

**PROPOSED BY:** Aaron Bloomquist (EG-F17-103)  
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**PROPOSAL 25 – 5 AAC 92.010. Harvest tickets and reports.** Require harvest tickets for all brown bear hunts statewide as follows:

Create a harvest ticket for brown bear and require it to hunt them statewide.

**What is the issue you would like the board to address and why?** Brown bear/grizzlies are one of the premier game animals in Alaska and the Department of Fish and Game (ADF&G) have no way of telling how many people actually hunt them every year. I think it is vital the ADF&G start keeping track of how many people hunt bears and how much effort is put in hunting them. With much milder winters we seem to have a growing bear population statewide. By tracking how many bears are being seen by hunters, how many are being harvested and how much effort is made to hunt them, ADF&G will have a lot better idea of what is going on out in the field and how to best manage them. We have a statewide requirement for black bear harvest tickets. I see no reason we shouldn't have one for brown bear.

**PROPOSED BY:** Dan Montgomery (EG-F17-069)  
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**PROPOSAL 26 – 5 AAC 92.050. Required permit hunt conditions and procedures.** Animals harvested under auction and raffle permits will not count against the regular bag limit as follows:

Amend 5 AAC 92.050 to include a new subsection to read:

**Permits issued under AS 16.05.343 do not count against the regular bag limit for nonresidents or residents for any big game species.**

**What is the issue you would like the board to address and why?  
Auction and raffle big game tags (governor’s tags).**

I propose that the Alaska auction and raffle big game tags issued under Alaska Statute 16.05.343 not be subject to the normal bag limit regulations.

Auction and raffle big game tags are fundraisers for both the State of Alaska and for the nonprofit organization offering the tag. These tags are different and special and should not be subject to the normal bag limits of the general season, drawing, and registration types of hunts. This would apply to either one-year, four-year, ten-year, or lifetime bag limits, whichever applies to the species of big game tag being auctioned or raffled.

Auction and raffle tags should be treated differently and looked at as a separate means of obtaining a tag. For example, if the same person wanted to purchase the Unimak brown bear tag at auction every year, the way the system is now, he would not be able to do this, as he is held to the “one in four” brown bear bag limit rule. I believe a person should be able to buy the Unimak brown bear auction tag every year if he is able and desires to. Another example would be if a person wanted to purchase the Chugach Dall sheep tag but couldn’t because he is a nonresident and had hunted sheep in Alaska within the last four years.

Making auction and raffle tags not subject to the bag limit requirements for all “normal” tags would add substantial value to the tags. Both the state and the nonprofit organization would stand to benefit from this. Under 5 AAC 92.050 the Board of Game (board) has already authorized this for the Delta bison (Unit 20D) governor’s tag. We see no reason why the board could not include all governor’s tag permits issued under AS 16.05.343 for any species within this regulation.

**PROPOSED BY:** Frank Noska IV (HQ-F17-017)  
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**PROPOSAL 27 – 5 AAC 92.050(a) Required permit hunt conditions and procedures.** Modify the required permit hunt procedures for applying for drawing permits as follows:

5 AAC 92.050(a)(2) except as provided in 5 AAC 92.061 and 5 AAC 92.069, a person may not  
(A) apply for more than six drawing permit hunts for the same species per regulatory  
year[, WITH NO MORE THAN THREE FOR BULL MOOSE HUNTS];

...



5 AAC 92.050(a)(3) the commissioner shall void all applications by one person for more than six hunts for the same species, [OR THREE HUNTS FOR BULL MOOSE AS DESCRIBED IN (2)(A) OF THIS SUBSECTION,] and all applications by one person for more than one moose hunt for a nonresident in Unit 23;

**What is the issue you would like the board to address and why?** In 2012 the Board of Game (board) increased the number of moose hunts applicants could apply for to six, but limited the number of bull hunts to three to encourage applicants to apply for antlerless hunts. When the board made the increase, the provision that required all applications be invalidated for that species remained in place, and the result was many applicants unknowingly invalidated all of their chances at any moose hunts.

The restriction on the number of bull moose hunts a person can apply for has resulted in a large number of invalidated applications. The recent change to allow applicants to apply for each hunt more than once exacerbated this problem to the point that corrective actions had to be taken.

The Department of Fish and Game believes the restriction is no longer necessary and requests the board consider removing the restriction. The original issue the board attempted to address in 2012 was undersubscribed antlerless moose hunts, and the department has started to identify those and submit proposals to change them to registration hunts where appropriate.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F17-028)

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*Note: The following proposal requests a change to a Board of Game Policy #2007-173-BOG. Although it does not propose a regulatory change, it is included in the proposal book for public comment for the board's consideration.*

**PROPOSAL 28 – 2007-173-BOG. Nonresident drawing permit allocation policy.** Modify the Board of Game nonresident drawing permit allocation policy as follows:

Possible new language: *“Allocations to nonresident hunters will be based on a subunit by subunit basis so that resident hunters always have a definitive hunting and harvest priority.”*

**What is the issue you would like the board to address and why?**  
**Nonresident Drawing Permit Allocation Policy.**

We ask that the Board of Game (board) review and revise the 2007-173-BOG finding that sets policy on how the board will allocate draw permits to nonresidents. The current language in the finding states that: *“Allocations will be determined on a case by case basis and will be based upon the historical data of nonresident and resident permit allocation over the past ten years.”*

This policy does not state if harvest data or participation data will be used, and is unclear what takes place for a new draw permit hunt where we have not had any previous “permit allocation” data.

Another concern is that if it is the board’s intent to use past historical harvest and/or participation data to determine nonresident allocations for future draw-permit hunts, in many cases—for Dall sheep, for example—nonresidents would end up receiving the majority of the permits.

In Unit 19C, the board has allowed unlimited nonresident sheep hunting opportunity for the past ten years, and nonresident hunters have taken up to 80% of the annual sheep harvest and make up more than half of all hunters. The current policy, if the board should ever put nonresidents on a draw-only permit hunt in Unit 19C, would give nonresidents a priority.

There was a moose draw permit hunt instituted in 2008 by the board (DM 809, 810, 811) in which nonresidents receive 50 percent of the permits. Should a proposal be submitted from resident hunters to reduce that nonresident allocation, the board’s current policy only ensures that unfair allocation to nonresident hunters be kept in place.

We would like the Board of Game to institute a new finding and policy on nonresident permit allocations that stipulates that residents will always receive a definitive harvest and participation priority over nonresidents.

**PROPOSED BY:** Resident Hunters of Alaska (EG-F17-075)  
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*Note: The Board of Game repealed this requirement at the February 2017 Interior/Northeast Arctic Region Meeting.*

**PROPOSAL 29 – 5 AAC 92.130. Restrictions to bag limit.** Remove the bag limit restriction for resident relatives accompanying nonresident relatives within the second degree of kindred as follows:

I ask the Board of Game to remove this "shared bag limit" restriction.

**What is the issue you would like the board to address and why?** I would like to address the newly adopted regulation, to have “shared bag limits” between residents and their second degree relative. Guides do not have a similar restriction placed on them during a hunting season, and will often guide more than one client successfully to harvest the same species within the same year. Not only are they allowed to have more than one successful client in a given year, they are also allowed their own bag limit. The “shared bag limit” rule only applies to two categories of people: residents of Alaska, and their nonresident kindred.

This regulation also lacks significant conservation basis. It is designed to specifically target the “guide-required” species such as sheep, and instances of “doubling up” on them are very rare indeed. Removing this possibility also removes the incredible memories of such a trip.

Perhaps much more importantly, this rule could be opening the door to future unintended regulations on Alaskan families. While many people may not care very much about limiting access to sheep hunting, opinions could be very different when these rules are extended to other species. Using the “shared bag limits” of the current guide-required species as an example, these

same rules may soon be applied to moose, caribou, etc. **If you believe in the amazing power of maintaining family bonds through shared hunting experiences, I beg you to be a proponent of keeping nonresident second degree kindred hunting rights intact, for all species of Alaska.**

**PROPOSED BY:** Chris Harper

(EG-F17-053)

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**PROPOSAL 30 – 5 AAC 92.050. Required permit hunt conditions and procedures, and 92.130. Restrictions to bag limit.** Allow nonresident hunters to harvest brown bear, sheep or goat on behalf of their Alaska resident second degree of kindred relative’s permit as follows:

5 AAC 92.050(a) is amended to read:

(a) The following conditions and procedures for permit issuance apply to each permit hunt:

(1) the applicant or the applicant’s agent shall complete the application form; two hunters may apply as a party in a drawing permit hunt, and if drawn, both applicants will receive a permit; a permit application that is incomplete, or that does not include, if required, an Alaska big game hunting license number, or that contains a false statement, is void; the applicant must obtain or apply for an Alaska big game hunting license before submitting a drawing permits application; and

(A) to apply for a drawing permit hunt, for any hunt that requires a registered or master guide, a nonresident or a nonresident alien must contract a qualified registered guide or master guide as their agent to submit the application and provide hunting services; the contracting registered guide or master guide, shall provide, at the time of application, their current unique verification code that has been issued to them pursuant to 12 AAC 75.260(d);

**(B) in a drawing permit hunt for brown bear, grizzly bear, mountain goat, or sheep where there is no resident draw for that species in that area** the requirement in 5 AAC 92.050(a)(1)(A) does not apply if the applicant is a nonresident and will be accompanied by a resident over 19 years of age who is a spouse or a relative within the second degree of kindred, as described in AS 16.05.407(a);

**(C) in a drawing permit hunt for brown bear, grizzly bear, mountain goat, or sheep where there is a resident draw for that species in that area a nonresident that will be accompanied by a resident over 19 years of age who is a spouse or a relative within the second degree of kindred, as described in AS 16.05.407(a), may not apply for a drawing permit;**

...

(F) an individual who is a successful applicant for a specific drawing permit hunt is ineligible to apply for a **drawing** permit for that specific hunt the following year **except a resident individual may apply for a drawing permit for that specific hunt the following year**

**when a nonresident who is a spouse or relative within the second degree of kindred, as described in AS 16.05.407(a), takes a brown bear, grizzly bear, mountain goat, or sheep under the resident's drawing permit as described in 5 AAC 92.130(k) for that specific hunt;**

...

(4) permit issuance:

5 AAC 92.130 is amended by adding a new subsection to read:

**(k) a brown bear, grizzly bear, mountain goat, or sheep may be taken by a nonresident under the drawing permit of a resident relative when personally accompanied by that resident relative, as described in AS 16.05.407(a)(2) and will count as the bag limit of the nonresident only.**

**What is the issue you would like the board to address and why?** The intent of this proposal is to allow a nonresident hunter to harvest a brown bear, sheep, or goat on behalf of their Alaska resident second degree of kindred relative's permit. This would be done similar to the way a youth, under the age of ten, is allowed to harvest big game on behalf of another licensed hunter, however, the nonresident relative's harvest WOULD NOT count against the resident's bag limit. There are several brown bear, sheep, and goat permit hunts in the state that offer extremely restricted nonresident participation, however, under this proposal, the nonresident hunter who is hunting on behalf of his Alaska resident second degree of kindred relative's permit would still be able to participate in the hunt. The intent is not that the permit be transferred to the nonresident, but that the harvest would be done using the Alaska resident's hunt permit by either the resident or their bonafide family member.

Since the nonresident hunter who is hunting for either brown bear, sheep, or goats with a second degree of kindred resident relative would be harvesting the animal on behalf of the resident relative's permit, the nonresident does not need to apply for a drawing permit for brown bear, sheep, or goats and would be prohibited from doing so. They would still be allowed to apply for all other drawing permits.

The nonresident would still be required to purchase a nonresident hunting license and the appropriate big game tag.

When a nonresident harvested a brown bear, sheep, or goat on behalf of an Alaska resident second degree of kindred relative's permit, the harvest WOULD NOT count against the bag limit of the Alaska resident. The Alaska resident would still be able to harvest the same species under a general season tag where available in the same regulatory year. The Alaska resident WOULD BE allowed to apply for the same permit hunt the next year.

**We also request that the any harvest of brown bear, sheep, or goat by a nonresident hunter on behalf of their Alaska resident second degree of kindred relative's permit be tracked on the Hunt Report Card.**

This proposal DOES NOT affect the harvest of non-guide required species, i.e. moose, caribou, elk, black bear, deer, etc...

This proposal is not designed as a restriction. This proposal is designed to offer benefits to residents wishing to hunt with their nonresident relatives while clarifying allocations for hunts that offer extremely limited opportunities for nonresident participation.

**PROPOSED BY:** Alaska Professional Hunters Association (EG-F17-102)  
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**PROPOSAL 31 – 5 AAC 92.050. Required permit hunt conditions and procedures.**

Establish a preference point system for drawing hunts as follows:

Review and change the actual computer methodology of drawing hunt permits to incorporate the concepts of fairness given below. Specifically incorporate the concept that no one could draw more than one hunt before all applicants had a chance to draw and some type of preference for those who failed to draw in any given year. Also incorporate a preference for Alaskan residents in the drawing hunts similar to what other states do for their residents. These concepts should not be difficult to incorporate into a computer program.

**What is the issue you would like the board to address and why?** The current drawing hunt permit methodology could be better. There are instances where one individual will be drawn for several hunts in a single year while other applicants do not get drawn at all. In some cases, recipients of multiple hunts cannot use all of the hunts they have been awarded because those hunts overlap. About ten (or so) years ago the Board of Game passed a provision for bonus or preference points for drawing hunts but that was ignored by ADF&G or dropped as being impractical. I believe the entire drawing hunt system should be reviewed and changed. It would not be difficult to be certain that no individual was drawn for more than one hunt until everyone had drawn and there were unsubscribed hunts remaining at which point second or even third computer runs could award additional hunts to applicants who had already drawn one or more hunts. In addition, a priority system should be established so that individuals who had failed to draw anything in previous years would have increased opportunity to draw in future years. Resident hunters should receive some percentage preference in the drawing hunts as is done in nearly all other states that have drawing permit hunts.

**PROPOSED BY:** John Frost (EG-F17-086)  
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**PROPOSAL 32 – 5 AAC 92.050. Required permit hunt conditions and procedures.**

Establish a bonus point system for bison and muskox drawing hunts as follows:

I suggest the Board of Game come up with a bonus point system for both bison and muskox similar to many of the western states. Each year an individual does not get drawn, he or she will get a bonus point. The following year, the hunter will get his or her name in the hat twice instead of once. Every unsuccessful year an application is submitted, the hunter gets his or her name in the hat an equal number of times to unsuccessful attempts. Individuals may be able to apply for a

hunt after he or she will be the age ten or older at the time of the hunt. Bonus points will be lost after someone successfully draws the hunt or the species is not applied for two consecutive years.

Bonus points allow everyone a chance to win but is weighted toward individuals who have been applying longer. Bonus points also help the state to generate more income since it encourages individuals to have the maximum points possible. Most western states make millions from applications alone.

Within this system, the Alaskan resident would have a large preference to our wildlife resources (bison and muskox). Currently, Alaskan residents have no preference for muskox or bison in the drawing applications. This proposal would allow a strong preference to residents, potentially limiting nonresidents to only one tag every two to three years depending on the data and what the Board of Game decides. A nonresident should never have an equal or close to equal opportunity to a limited wildlife resource where the Alaskan resident draw odds are greater than 1%.

**What is the issue you would like the board to address and why?** Draw-only permit hunts for both residents and nonresidents reflect a need to limit the number of hunters afield for reasons that could be related to conservation, trophy-quality, hunt aesthetics, crowding etc. Whatever the rationale for a draw-only hunt for all user groups, and whatever the species, resident hunters should have a clear and substantial priority to draw a permit and an opportunity to hunt. Resident hunters don't currently have that preference. Currently, we have bison and muskox draw-only hunts for both residents and nonresidents that allow equal opportunity for a nonresident to draw a permit. Examples are: DI 403 and DX 001. If an individual hunter lives in Alaska, Florida, Montana, or Texas, each individual hunter has equal odds to our extremely limited Alaskan resource. The DI 403 Delta bison permit had 14,126 applicants for 50 permits in 2016 for a percent chance of drawing for all applicants. The DX 001 Nunivak Island muskox permit had 860 applicants for ten permits in 2016 for a one percent chance of drawing. These rare and highly sought after draw permit hunts should not allow nonresidents an equal opportunity to draw. Currently, the nonresident draw percentage for Delta bison is about one percent. That is the same odds of drawing as a resident. That is not fair to the resident hunter who has been putting in for decades for that permit, who lives here and contributes all year to the economy, and does not have reciprocal hunting opportunities in any of the western states.

**PROPOSED BY:** Brad Sparks (EG-F17-088)

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**PROPOSAL 33 – 5 AAC 92.069. Special provisions for moose drawing permit hunts.**  
Establish a ten percent nonresident moose drawing permit allocation as follows:

Where we currently have or in future may have draw-only permit hunts for both residents and nonresidents for moose, the nonresident allocations should reflect constitutional intent to maximize the benefit to resident Alaskans and be no more than “**up to ten percent maximum**” of the available number of permits.

**What is the issue you would like the board to address and why?**

**Draw permit allocations for moose when both residents and nonresidents are restricted to draw-only permit hunts.**

Draw-only permit hunts for both residents and nonresidents reflect a need to limit the number of hunters afield for reasons that could be related to conservation, trophy-quality, hunt aesthetics, crowding etc.

Whatever the rationale for a draw-only hunt for all user groups, resident hunters should have a clear and substantial priority to draw a permit and an opportunity to hunt. Resident hunters don't currently have that preference for moose statewide.

Many draw-only moose permit hunts allow an equal opportunity for nonresidents to apply for a set number of permits. Other hunts allocate from 25 to 50 percent of available moose draw permits to nonresidents. These types of allocations often take place in units where the Board of Game has a positive finding for customary and traditional uses of moose that goes hand in hand with state law that declares that "the taking of moose...by residents for personal or family consumption has preference over taking by nonresidents."

This type of allocation of moose hunting opportunity to nonresident hunters does not in any way comport with requirements in our state constitution to manage our wildlife resources for the common use and maximum benefit of Alaskans. Whatever label is attached to a moose hunt (e.g. subsistence, sport, trophy), residents should have a clear and substantial priority opportunity to participate in that hunt.

**PROPOSED BY:** Resident Hunters of Alaska (EG-F17-077)

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**PROPOSAL 34 – 5 AAC 92.057. Special provisions for Dall sheep drawing permit hunts; 92.061. Special provisions for Unit 8 brown bear permit hunts; 92.069. Special provisions for moose drawing permit hunts; and 92.050. Required permit hunt conditions and procedures.** In drawing hunts with a separate allocation for residents and nonresidents, all nonresident permits will be issued from the nonresident allocation as follows:

All nonresidents shall be placed in the nonresident pool of drawing tags for hunts with a separate allocation to nonresidents and residents.

**What is the issue you would like the board to address and why?  
Nonresident second degree of kindred in resident drawing pools.**

Alaska's must-be-guided law (AS 16.05.407/408) was created in 1967, and would not have passed without the inclusion to allow nonresident hunters to hunt with a resident relative within second degree of kindred (2DK) in lieu of having to hire a guide.

The guide industry has pushed for years to separate out 2DK hunters from guided hunters and in some cases, like Kodiak, the nonresident 2DK hunters are in the resident pool of tags. All nonresident hunters should be treated equally according to our must-be-guided law. All

nonresident hunters should be in the same pool of nonresident tags under draw permit hunts with a separate allocation to nonresidents.

Regardless of the level of 2DK hunters for must-be-guided species, a nonresident hunter is a nonresident hunter, period. Alaska's must-be-guided law never intended for one class of nonresident hunters (2DK) to be singled out and separated from the other (guided). There is currently a push by the guide industry to remove the 2DK provision with a new regulation eliminating 2DK nonresident tags entirely; all 2DK hunters in the future will only be allowed to hunt with a resident relative who has drawn a resident tag. The resident relative would essentially forfeit his or her tag and give it to their nonresident relative. That would be worse than putting all 2DK nonresident hunters in the resident pool of tags because it would prevent a resident and nonresident 2DK hunter from both drawing a tag and both having an opportunity to harvest an animal together.

Again, this is not what our must-be-guided law intended. Legislators realized that most nonresidents hunting must-be-guided species would hire a guide. They included the 2DK provision not as a benefit to certain nonresidents over others, but as a way of carrying on family hunting traditions and opportunities. 2DK hunters should never be dependent on a resident relative to put in and draw a tag in order to hunt with them in Alaska. A nonresident 2DK hunter should be given the same opportunity to draw a tag as a nonresident guided hunter, within the nonresident pool of tags.

Treat all nonresidents equally as our must-be-guided law intended.

**PROPOSED BY:** Resident Hunters of Alaska (EG-F17-100)  
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**PROPOSAL 35 – 5 AAC 92.057. Special provisions for Dall sheep drawing permit hunts; 92.061. Special provisions for Unit 8 brown bear permit hunts; 92.069. Special provisions for moose drawing permit hunts; and 92.050. Required permit hunt conditions and procedures.** Allow nonresidents and residents to apply as a party for hunts having separate permits for residents and nonresidents as follows:

My proposal is that for any such drawing with separate permit codes for residents/nonresidents, hunters be allowed to apply as a party regardless of residency status. A pair of hunters consisting of one resident and one nonresident will only be issued those respective permits if, when their draw number is reached, there is still at least one tag available for both the resident and nonresident in their respective allocative pools. This should apply not only to Unit 14C, but any drawing hunts statewide that separate resident and nonresident permit pools.

**What is the issue you would like the board to address and why?** There are certain drawing hunts that designate allocation amounts to residents and nonresidents, but are effectively the same hunt (locations, dates, methods, etc.). They sometimes have separate hunts codes for each, such as the Dall sheep permits in Unit 14C. This removes the ability of any resident-nonresident pair of hunters to submit a “party application” in hopes of hunting together in those areas.

**PROPOSED BY:** Chris Harper (EG-F17-054)  
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**PROPOSAL 36 – 5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts.** Change nonresident general sheep hunts to drawing permit hunts with a ten percent permit allocation cap as follows:

In areas where general season sheep hunting opportunity is allowed for both residents and nonresidents, limit all nonresident sheep hunters to draw-only hunts.

Set allocations so that participation rates of nonresidents do not exceed ten percent of the total participation rates of residents in any individual subunit, based on the last three years of historical data.

This solution will benefit the sheep resource and all resident sheep hunters if adopted.

**What is the issue you would like the board to address and why?**

**Unlimited nonresident sheep hunting opportunity and high nonresident sheep harvest rates.**

This proposal follows a decade of proposals from resident hunters asking the Alaska Board of Game (board) to limit nonresident sheep hunters. The nonresident harvest rates of 60-80 percent of our Dall sheep in some areas of the state and the problems associated with that level of nonresident mostly-guided competition are well known to the board. The board has continually stalled taking any action on resident hunter proposals to address these problems while publicly testifying in complete agreement that these problems exist and are harming resident hunters.

These problems don't occur in all areas of the state but the board has made it clear that any solutions must be statewide in nature and not through regional proposals that seek to deal with the problems on a subunit by subunit basis.

All along the board has said that the problem is not one of too many nonresident sheep hunters, most of whom must hire a guide, rather it was a problem of "too many guides," and thus the board only supports the guide-industry preferred solution to limit guides. This "Guide Concession Program" that would be under the auspices of the Department of Natural Resources (DNR) has already cost the state a half-million dollars in planning and meetings, and finally as it made its way through the legislature with yet still a million-dollar fiscal note, it did not pass out of committee. It has not been revived and with our current budget situation it is a non-starter. The guide industry has been lobbying the legislature for one million dollars in federal funds to start up the Guide Concession Program, and we simply cannot believe that yet again guides are asking for a subsidy from not only Alaskan taxpayers, but now from every American citizen.

The Board of Game has claimed for nearly ten years that the Guide Concession Program is their preferred solution. And the board still alludes they will wait for the concession program to be implemented before putting nonresident sheep hunters on draw hunts with a limited allocation. In the face of known problems we ask again for the board to act to protect the resource and give resident sheep hunters the hunting priority our constitution demands.

**This proposal is exactly what the Department of Natural Resources Recommended as an alternative to the Guide Concession Program (GCP).**

From DNR Alternatives:

*“The first BOG alternative to the GCP is for the board to further restrict non-resident hunting opportunity. This could be accomplished by expanding the drawing and/or registration permit systems for non-residents, while simultaneously reducing or eliminating non-resident general harvest seasons and bag limits. This alternative would help to address the issues of quality of experience and conflicts between users by decreasing the number of non-resident hunters in the field. It may also address wildlife conservation concerns in cases where overharvest is an issue.”*

**PROPOSED BY:** Resident Hunters of Alaska (EG-F17-079)  
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**PROPOSAL 37 – 5 AAC 92.008(5). Harvest guideline levels.** Limit nonresident sheep harvest to no more than ten percent of total harvest per subunit as follows:

Amend 92.008 by adding a new subsection to read:

**(5) Dall sheep: the annual harvest of Dall sheep by nonresident hunters shall be managed so that in any given three-year period the average annual harvest does not exceed 10 percent of the total sheep harvest for any individual subunit.**

All nonresident sheep hunts will be draw-only hunts with an allocation set subunit by subunit under 5 AAC 92.008 so that harvest levels do not exceed ten percent of the total sheep harvest per subunit based on using the last three years of historical harvest data.

This solution will benefit the sheep resource and all resident sheep hunters if adopted.

**What is the issue you would like the board to address and why?**  
**Unlimited nonresident sheep hunting opportunity and high nonresident sheep harvest rates.**

This proposal follows a decade of proposals from resident hunters asking the Alaska Board of Game (board) to limit nonresident sheep hunters. The nonresident harvest rates of 60-80 percent of our Dall sheep in some areas of the state and the problems associated with that level of nonresident mostly-guided competition are well known to the board. The board has continually stalled taking any action on resident hunter proposals to address these problems while publicly testifying in complete agreement that these problems exist and are harming resident hunters.

These problems don't occur in all areas of the state but the board has made it clear that any solutions must be statewide in nature and not through regional proposals that seek to deal with the problems on a subunit by subunit basis.

All along the board has said that the problem is not one of too many nonresident sheep hunters, most of whom must hire a guide, rather it was a problem of “too many guides,” and thus the

board only supports the guide-industry preferred solution to limit guides. This “Guide Concession Program” would be under the auspices of the Department of Natural Resources (DNR) and has already cost the state nearly a half-million dollars in planning and meetings, and finally as it made its way through the legislature with yet still a million-dollar fiscal note, it did not pass out of committee. It has not been revived and with our current budget situation it is a non-starter. The guide industry has been lobbying the legislature and our congressional delegation for one million dollars in federal funds to start up the Guide Concession Program, and we simply cannot believe that yet again guides are asking for a subsidy from not only Alaskan taxpayers, but now from every American citizen.

The Board of Game has claimed for nearly ten years that the Guide Concession Program is their preferred solution. Let’s stop waiting for something that is so costly and unlikely to be implemented. In the face of known problems we ask again for the board to act to protect the resource and give resident sheep hunters the hunting priority our constitution demands.

**This Proposal is exactly what the Department of Natural Resources Recommended as an Alternative to the Guide Concession Program (GCP)**

From DNR Alternatives:

*“The second BOG [Board of Game] alternative to the GCP is for the board to establish a specific harvest level for non-resident hunters. The BOG would allocate a percentage of the harvestable surplus, such as 10%, to non-residents, potentially statewide and for all species, and the vehicle for this system would likely be drawing permits. This is different than the first alternative in that the allocation to non-residents would be fixed at a percentage of surplus rather than just reducing opportunity as needed.”*

**PROPOSED BY:** Resident Hunters of Alaska (EG-F17-074)  
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**PROPOSAL 38 – 5 AAC 92.130. Restrictions to bag limit.** Implement a sliding scale bag limit for Dall sheep hunting for residents as follows:

I propose a resident sliding scale harvest based on age of the ram harvested such as: A Resident Ram Harvest Age Index. If a harvested ram is ten years or older, the hunter may hunt sheep the following year. If the ram is nine years old, the hunter cannot hunt sheep the following year (sits out a year). If the ram is eight years old, the hunter cannot hunt sheep for the next two years (seasons). If the ram is seven years old, the hunter cannot hunt sheep for three years. If the ram is six years or younger, the hunter cannot hunt sheep for five years. In each case, age is the criterion for when they may get a tag to hunt sheep again, regardless of whether it is full curl or not. Full curl would still apply for a legal sheep and because of the sliding scale penalizing hunters for taking younger rams even though legal by full curl standards or the eight annuli requirements, hunters would be more selective in order to be able to hunt without a break. This does not directly diminish hunter opportunity, but requires hunters to select towards older rams that are more likely to succumb to winter mortality.

The positives from such a system are: 1. Creates more selectivity, 2. Leaves more sheep on the mountain, 3. Encourages shooting older rams, 4. Strongly discourages shooting of sub-legal and younger rams, 5. Those that choose to harvest a young ram that is legal by full curl standards, shoot knowing that if it has less than ten annuli, they will have to sit out X number of years depending on the age of the ram. This will help towards leaving more mature rams on the mountain and allow some rams that become large at a younger age to possibly survive another year or two. 6. It still allows opportunity based on choice by the hunter and may help with crowding since some will be sitting out for having harvested a younger ram. 7. It could also be managed such that when a hunter harvests a sub-legal ram which is his first ram ever harvested, he could keep the ram provided it was over 7/8 curl and at least seven years of age. This is more lenient than the current regulation, but would only apply for a hunter's first ram. This would cut down on litigation for the state, help keep from having rams left in the field, create better relations with new hunters and at the same time be restrictive since they will have to sit out a number of years based on the ram's age. To further cut down on hunters leaving sheep in the field, convicted offenders of such an offense would receive a lifetime ban on hunting Dall sheep in Alaska.

If this Age Index Harvest Scale seems too harsh, the age side could be slid up one notch to read: If a hunter harvests a nine year or older ram, the hunter would be eligible to hunt sheep the following year, etc., but I personally would prefer the original scale. If this scale approach appears to have merit, relaxing it would be better than discarding it altogether.

Finally, and this has nothing to do with this proposal, but does address nonresidents harvesting fewer rams than they currently harvest, which is 45% some years. It is time that the GCP (Guide Concession Program) be resurrected and supported by such organizations as RHAK (Resident Hunters of Alaska), APHA (Alaska Professional Hunter's Association) and WSF (Wild Sheep Foundation), and get HB 158 passed. This would give the needed control of too many guides in an area and unlimited harvest by nonresidents. I believe the only way to avert going to an all draw for sheep is to go to the age index I am proposing and having a Guide Concession Program. If we do nothing and go to an all-draw for sheep, everyone loses. Nonresidents will go to a percentage allocation and residents will seldom draw the area they really would like to hunt. We have all been too selfish and the time has come to act responsibly for the sake of the resource and quit being greedy.

**What is the issue you would like the board to address and why?** The issue is harvesting too many young and marginally legal rams yearly; both resident and nonresident hunters. Our sheep populations are significantly diminished mainly due to changes in weather that causes melting and refreezing icing conditions in the winter. Our harvest levels have steadily fallen to less than 50% of harvests in the late 80s into the early 90s. The fight has become a resident vs. nonresident harvest issue. Neither side seems willing to give to help keep more sheep on the mountain. Since residents comprise 90% of sheep hunters in the field and I believe that most sheep hunters really want a quality older ram, why not raise the standard by which they are harvested; somewhat like is done in many moose areas? Hunters would become more selective.

**PROPOSED BY:** Lewis Bradley (EG-F17-027)

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**PROPOSAL 39 – 5 AAC 5 AAC 92.130. Restrictions to bag limit.** Implement a sliding scale bag limit for Dall sheep hunting for residents and nonresidents as follows:

**5 AAC 92.130. Restrictions to bag limit**

Modify the statewide Dall sheep bag limit as follows

**(k) Statewide Dall sheep bag limit, unless otherwise provided in 5 AAC 85-92:**

**One “full-curl ram” ten years old or older annually, however, if the ram taken is under ten years old**

	<u>Years off from sheep hunting</u>	
	<u>Residents</u>	<u>Nonresidents</u>
<u>9 year old</u>	<u>1</u>	<u>4</u>
<u>8 year old</u>	<u>2</u>	<u>6</u>
<u>7 year old</u>	<u>3</u>	<u>8</u>
<u>6 years or younger</u>	<u>4</u>	<u>10</u>
<u>Any sub legal</u>	<u>5</u>	<u>lifetime</u>

**Sublegal is determined by ADF&G staff and does not require criminal charges.**

**What is the issue you would like the board to address and why?** Virtually all sheep hunters agree that it is advantageous to have more older rams on the mountain. I would ask the Board of Game to implement a "sliding scale" bag limit for Dall sheep statewide, except areas where the bag limit is "any ram". This scale would encourage the take of older rams and greatly discourage the take of any sheep close to sublegal.

An alternative would be to only implement the sublegal portion of this proposal which would be much simpler. Reported sublegal harvest has held steady around ten percent for years. There is also a significant portion of rams that are sublegal that are not charged criminally. These rams could have consequences under this system if the district attorney does not decide to charge or ADF&G decides not to forward for charges. I would suggest a panel of at least three ADF&G employees determine these cases.

**PROPOSED BY:** Aaron Bloomquist

(EG-F17-105)

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**PROPOSAL 40 – 5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts.** Allow nonresidents that have successfully harvested a Dall sheep in the last three years to apply for Dall sheep permits annually as follows:

I propose that if any hunter currently under the “one sheep every four regulatory years” restriction be allowed to apply for and be included in the drawing for Dall sheep drawing permits. This will need to be an additional section under 5 AAC 92.057, to provide clarity in this unique situation.

If this proposal is accepted by the Board of Game, there are several important points to consider:

The majority of the time, as proven by my friends and family, this will simply result in monetary donation and funding to ADF&G, as the odds remain low of actually drawing a permit. Denying this proposal would result in some lost revenue to ADF&G.

An option for the board to consider on this proposal:

If a permit is successfully drawn within this window, the hunter will only be issued the permit if he or she voluntarily gives up all other big game hunting rights in Alaska that year. This would allow for a dream hunt to occur, while reducing competition for all other hunts.

**What is the issue you would like the board to address and why?** I would like to address the inability of a few nonresident hunters to apply for highly coveted Dall sheep permits. According to the most recent Drawing Permit Hunt Supplement, the odds of successfully drawing a permit for Dall sheep remain very low. The majority of these permits have drawing odds between zero and five percent. Except for the lucky few, these tags for most people are either once-in-a-lifetime, or never-in-a-lifetime. Therefore, everyone should be able to apply for these highly coveted tags.

The only people who are excluded from this, I believe, are those nonresidents who successfully harvested a sheep in Alaska in the prior three years. Residents who have successfully taken sheep are not excluded from applying. Just because a hunter has had success in the past, he or she should not be excluded from a potential opportunity of a lifetime.

**PROPOSED BY:** Chris Harper (EG-F17-052)  
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**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)

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**PROPOSAL 42 – 5 AAC 92.069. Special provisions for moose drawing permit hunts; 92.XXX. New regulation.** Remove the nonresident guide requirement for moose and black bear hunts as follows:

Remove moose and black bear from the list of must-be-guided species.

**What is the issue you would like the board to address and why?**  
**Remove moose and black bear from the list of must-be-guided species under AS 16.05.407.**

The Board of Game (board), without legislative approval, has added moose and black bear to the list of must-be-guided species for nonresidents in certain parts of the state under AS 16.05.407.

The legislature never intended for the board to have the authority to add species to the must-be-guided list. When the board has done this, it is essentially a separate allocation to guides that often negatively affects resident hunter opportunity.

A prime example is the must-be-guided requirement for moose for the DM 809/810/811 Upper Nowitna draw permit hunt. The board in 2008 passed a proposal from a guide with exclusive rights to guide in the Nowitna National Wildlife Refuge that allocated half of the permits to nonresident hunters, with 70% of the nonresident permits required to hire that specific guide. A 50% allocation to nonresident moose hunters for any moose draw permit in Alaska is completely unacceptable. And it only happened because of the must-be-guided requirement for moose in that area.

The board has also added black bear to the list of must-be-guided species in parts of southeast Alaska, using conservation as a rationale for doing so when the board has the authority and duty to limit all nonresident black bear hunters if there is a conservation concern.

The addition of moose and black bear to the list of must-be-guided species is a subsidy to guides that sets a bad precedent that can harm resident opportunities and lock up access to areas where guides are guaranteed this new client base.

**PROPOSED BY:** Resident Hunters of Alaska (EG-F17-078)

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**PROPOSAL 43 – 5 AAC 92.011. Taking of game by proxy.** Allow the taking of emperor geese by proxy hunting as follows:

We request the Board of Game allow proxy hunting under this section for emperor geese statewide.



**What is the issue you would like the board to address and why?** In 2017, the fall-winter hunt of emperor geese is opened to all Alaska residents following over 30 years of closure. The State of Alaska was allotted an annual statewide harvest quota of 1,000 birds under the federal framework. The Board of Game (board) divided the statewide quota into smaller individual quotas in each of seven hunt areas across the range of emperor geese. The fall-winter hunt is administered as a registration permit hunt that allows the harvest and possession of one emperor goose per hunter per season. Registration permits are dispensed on-demand and hunt areas will be closed by emergency order when quotas are achieved.

Despite the fall-winter hunt being opened to all Alaska residents, regulations do not contain a provision for individuals that are incapable of participating in the emperor goose hunt because of their age or physical disability. Current regulation would allow a hunter to gift their emperor goose to another individual, but at a cost of forfeiting their one bird allowed for the season.

The Native Caucus of the Alaska Migratory Bird Co-Management Council (AMBCC) requests the board permit proxy hunting of emperor geese. This would allow both a proxy hunter and beneficiary the opportunity to obtain an emperor goose. A resident hunter holding a valid hunting license may take specified game for another resident who is blind, physically disabled, or 65 years of age or older, as authorized by Alaska Statute 16.05.405 and 5 AAC 92.011.

**PROPOSED BY:** Native Caucus of the Alaska Migratory Bird Co-Management Council  
(EG-F17-047)

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**PROPOSAL 44 – 5 AAC 92.011. Taking of game by proxy.** Allow the take of moose by proxy in moose hunts having antler restrictions as follows:

Allow proxy hunting for antler restricted bull moose hunts statewide.

**What is the issue you would like the board to address and why?** The statewide elimination of proxy hunting for antler restricted bull moose hunts has had the unintended consequence of eliminating an important Alaskan cultural tradition of harvesting game for family and friends that need assistance. While proxy hunting may not be right for all antler restricted bull moose hunts, it would be very helpful in some units where the majority of moose are taken in antler restricted general season hunts. In particular, if proxy hunting were once again allowed in the Unit 13 general season moose hunt, there would be significantly less interest in the community hunt structure which allows open designated hunting amongst community members.

The statewide regulation should be changed back to allow for proxy hunting in all antler restricted bull moose hunts. If proxy hunting is not wanted in some units or regions, it should be eliminated on a unit by unit basis.

**PROPOSED BY:** Rebecca Schwanke  
(EG-F17-110)

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## **Possession & Transportation**

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**PROPOSAL 45** – 5 AAC 92.171. **Sealing of horns and antlers.** Require antlers be sealed for all antler restricted hunts as follows:

All moose hunters in areas where there are antler restrictions must have horns sealed and measured by ADF&G or authorized representative within (x) days of harvest.

**What is the issue you would like the board to address and why?** Regulations imposed on the Kenai Peninsula for sealing of moose horns has led to the realization that many moose taken under the existing antler size restrictions are sublegal. There is no reason to believe that the incidence of sublegal moose is any less in other parts of the state with similar antler restrictions. Regulations should be uniform within the state.

**PROPOSED BY:** Homer Fish and Game Advisory Committee (EG-F17-106)  
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**PROPOSAL 46** – 5 AAC 92.135. **Transfer of possession.** Modify the transfer of possession regulations as it pertains to guided and transported hunters as follows:

Add a section (d) to 5 AAC 92.135: (d) When a licensed guide or transporter, who is under contract by a person (hunter), possesses game taken by that person (hunter), for the purpose of transportation, that game will be considered to remain in the possession of that person (hunter).

**What is the issue you would like the board to address and why?** Guides and transporters who are contracted by their clients should not be burdened with such a formality. Innumerable issues arise from the field to one's home or holding facility that can be extremely challenging, time-sensitive, and in many cases have safety concerns which are much more urgent than filling out paper work that is repetitive and ridiculous. Guides and transporters are very burdened with such a formality of filling out all of these forms, in duplicate sometimes multiple times. It is totally unnecessary and serves no real purpose. All of the information required under 5 AAC 92.135 is already in the possession of the guide or transporter and can be supplied to anybody that needs to know. Most of it is on the state-required hunt record or transporter form. This regulation in its current form is a deterrent to proper care of meat. One of the main reasons that a guide or transporter transports the meat while the client remains in the field is to insure quality meat care. It is brought out to hang in a dry cooled meat locker or some other facility to insure it is well taken care of. In this situation, the guide or transporter is acting as an agent of the hunter. 5 AAC 92.135 is a regulation that can turn a person who is attempting to act in a totally legal and reasonable manner into a criminal. Common sense needs to be used.

This was not the original intent of this regulation. 5 AAC 92.135 (b) says, "Upon receipt of game or a part of game, the recipient shall then be responsible to salvage the edible meat for human consumption." It was intended to allow people to permanently transfer possession of game and provided an avenue to do so and the meat still be tracked. It was not to require all of this paperwork to be filled out in duplicate in order for it to be transported an hour away, by your guide or transporter to be stored in a meat locker until you get there 15 minutes later.

**PROPOSED BY:** Upper Tanana/Fortymile Fish and Game Advisory Committee (EG-F17-039)  
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**PROPOSAL 47 – 5 AAC 92.135. Transfer of possession.** Modify the transfer of possession regulations as follows:

5AAC 92.135. Transfer of possession.

(a) Unless the person who took the game is accompanying the person possessing the game, until all salvage is completed as required under this chapter, a person who gives or receives game or a part of game shall immediately furnish, upon demand by a peace officer a statement signed by [BOTH] **either** [PARTIES] **party** describing the following:

- (1) The names and addresses of each person who gave or received the game;
- (2) When and where the game was taken;
- (3) What game or part of game was transferred; and
- (4) The hunting license number of the person who took the game.

(b) Upon receipt of game or a part of game, the recipient shall then be responsible to salvage the edible meat for human consumption.

(c) A person giving, shipping, or receiving game or parts of game shall allow inspection of that game or parts of game upon request from a peace officer of the state or a federal fish and wildlife agent.

**(d) This statement may be created at the time of the request.**

**What is the issue you would like the board to address and why?** Transporting meat can be logistically complicated especially with big game animals such as moose in remote areas. Having to fill out or edit a form that requires the signature of both the hunter and the transferee every time a quarter or chunk of meat is ferried to a different spot, is overly burdensome to the hunter and transferee, and sometimes isn't even possible if both persons aren't present. Most hunters try to do their best, but often it is hard to dot every "i" and cross every "t". This should not count against hunters when they are doing their best to salvage meat in a timely fashion, especially with the technological advances in communication that we have today.

As recently as 2008/2009, the hunting regulations stated that the transfer of possession statement could be created at the time of contact, and didn't require the signature of both persons. Unless we go back to something similar to what it was then, many well intentioned hunters who are complying with the intent of the law to salvage the meat will be subject to needless paper work infractions. We also considered having a temporary sealing certificate and/or a hunt record work as a transfer of possession for guided hunters, but felt this is an issue for all hunters, not just guides and nonresidents.

**PROPOSED BY:** Alaska Professional Hunters Association (EG-F17-041)  
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*Note: The Board of Game does not have authority to impose regulations upon guides.*

**PROPOSAL 48 – 5 AAC 92.135. Transfer of possession.** Modify the transfer of possession regulations to include reporting requirements as follows:

**We would like the Board of Game to consider other options as well, but here is one solution:**

**Amend 5 AAC 92.135 to include a new subsection:**

**(d) if the meat from a guided hunter is transferred, a record must be kept by the guide of all transfers and turned into the Department of Fish & Game within 30 days of the close of the season.**

**What is the issue you would like the board to address and why?**

**Guided nonresident transfer of possession of game meat.**

The guide industry has stated that nearly a quarter million pounds of meat from guided hunters is “shared” with Alaskan residents each year. Currently, our Alaska Wildlife Troopers and the Department of Fish and Game (ADF&G) have no way of knowing where that quarter-million pounds of meat ends up and what kind of condition it was in when it was received by the end beneficiary.

Some guides require their clients to sign a contract agreement that prohibits the client from taking the meat home, and nonresident aliens have strict laws in most countries that prohibit importation of wild game meat. Guided clients have no active role in the process of meat “sharing” and once they sign a transfer of possession form, the obligation to take care of the meat and where that meat ends up is for the guide to take care of. Often multiple transfers of possession take place after a guided hunter transfers the meat to a guide.

We know how difficult it can be to get a moose or caribou out of the field and to the location where the meat will be processed. Guides are dealing with multiple moose and caribou taken by their clients, and there are numerous reports of spoiled meat from guided hunters being dropped off in villages or to processors. No matter how often or how infrequently that occurs, we need a better way to track where the meat from guided hunters ends up and if it was taken care of properly.

A quarter million pounds of meat is a lot of wild game meat. The public, Alaska Wildlife Troopers, the department and the Board of Game (board), should insist that commercial hunting of our wildlife resources requires clear records on the transfer of game meat by guides.

This is especially important when the board considers proposals allowing nonresident hunting of wildlife populations that are not within the intensive management harvest or population objectives, under the guise of a win-win scenario whereby guides will take those nonresident hunters into areas not typically accessible by local hunters, and all the meat from those guided hunts will be “shared” with villages.

**PROPOSED BY:** Resident Hunters of Alaska

(EG-F17-080)

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**PROPOSAL 49 – 5 AAC 92.031. Permit for selling skins, skulls, and trophies; and 92.200. Purchase and sale of game.** Require a permit before brown bear skulls and hides with claws attached can be sold as follows:

5 AAC 92.031 is amended by adding a new section to read:

(g) A person may sell, advertise, or otherwise offer for sale a brown bear skull or hide with claws attached of a brown bear harvested in an area where the bag limit is two bears per regulatory year only after obtaining a permit from the department.

5 AAC 92.200(b)(1) is amended to read:

(1) any part of a brown bear, except an article of handicraft made from the fur of a brown bear; [,] and except skulls and hides with claws attached of brown bears harvested in areas where the bag limit is two bears per regulatory year **by permit issued under 5 AAC 92.031**;

**What is the issue you would like the board to address and why?** In 2016 the Board of Game (board) passed a regulation allowing all brown bears harvested in areas where the bag limit is two brown bears per year to be sold. There is currently no method for the Department of Fish and Game (ADF&G) to track the sale of those bears. Adopting this proposal will allow ADF&G to track and quantify the interest in selling brown bear skulls and hides with claws attached.

There are concerns about the potential to commercialize the harvest of brown bears, and there is interest in knowing the magnitude of this use. The board may also need to distinguish between uses to make allocation decisions in the future. There are concerns about the current inability to determine that hides and skulls that are sold were taken in areas with a two brown bear bag limit.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F17-030)  
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## **Intensive Management & Predation Control Areas**

*Note: The Board of Game cannot adopt a regulation that is inconsistent with state statute. Alaska Statute 08.54.750(e) states that guides can only conduct hunts for the big game species identified by the Board of Game as the cause of the depletion or reduction of productivity of a big game prey population.*

**PROPOSAL 50 – 5 AAC 92.116. Special provisions in predation control areas.** Provide clarification for allowing guides to register additional guide use areas for taking predators, and to restrict the take of predators in those guide use areas as follows:

Provide clarification for the "extra guide use area provision" in AS 08.54.750 as follows:

### **5 AAC 92.116. Special provisions in predation control areas.**

...

**(e) A guide may register extra guide use areas under AS 08.54.750(f) in all IM program areas, and for all predator species within the “game management unit or portion of a game management unit where the Board of Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the depletion of a big game prey population or a reduction of the productivity of a big game prey population”; unless the board specifically eliminates an area or species within an area from this provision.**

**(1) Unit 9, brown bear may not be taken in an extra guide use area under AS 08.54.750(f)**

**(2) Units 7 and 15, brown bear and black bear may not be taken in an extra guide use area under AS 08.54.750(f)**

**What is the issue you would like the board to address and why?** The Board of Game (board) needs to determine where is it appropriate, and for what species, extra guide use areas should be allowed under AS 08.54.750(f). Specifically, what species should be allowed to be taken under this provision in each Intensive Management (IM) Plan.

ADF&G made an administrative interpretation of AS 08.54.750(f) in 2014. This statute allows for guides to choose extra guide use areas in a “game management unit or portion of a game management unit where the Board of Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the depletion of a big game prey population or a reduction of the productivity of a big game prey population” to assist in the increased take of predators. ADF&G’s recent interpretation allows for this only in areas where they are currently issuing permits in an active predator control program. According to legislators that worked on this statute, this interpretation is contrary to legislative intent. It is also contrary to the way the law was implemented for at least the first six years it was in place.

ADF&G originally made this new interpretation several years ago when an IM plan was developed for Unit 9. At this point there was a small amount of internal panic that every guide would be able to register guide use areas in Unit 9 as extra guide use areas for brown bears. No

one intended this to be the case but it would have been fact if the old interpretation and legislative intent were followed. In this case the board should determine that Unit 9 may only be used for extra guide use areas for wolves and not for brown bears.

Guides were not informed of this administrative change for several years and it has still not been widely published. Many ADF&G staff were not even up to speed on the interpretation for several years. When I was made aware of the interpretation, I requested both ADF&G and Big Game Commercial Services Board staff send a letter to all guides informing them of the change. They refused and asked me, a member of the general public, to inform those guides! There is now a link on the Department of Commerce website but it took a couple years. It was on the ADF&G homepage for a couple days after I first brought it up but it has been removed. The memo is buried in the ADF&G website. This is not listed anywhere in regulation because it is not a codified regulation.

AS 08.54.750(f) is a very valuable provision in that it provides for increased predator take while avoiding costly ADF&G programs and predator control permits. Without this provision, ADF&G would not have come close to the desired take of bears in IM programs in Units 16 and 13 in the last decade.

I would recommend the board create an "opt-out" provision rather than the current "opt-in" provision. That is, all predator species would be available for guided take under AS 08.54.750(f) IM programs unless the board specifically removes them for conservation or other reasons.

The board would need to make specific determinations, but I would anticipate restrictions on this provision only in a few cases. Some that come to mind are Unit 9 brown bears, Units 7 and 15 black and brown bears and maybe very few others. I would not anticipate wolves needing to be restricted in any IM area.

**PROPOSED BY:** Aaron Bloomquist (EG-F17-095)  
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*Note: This proposal does not require a regulatory change. The Department of Fish and Game can implement this request under its existing administrative authority.*

**PROPOSAL 51 – 5 AAC 92.116. Special provisions in predation control areas.** Change the implementation date for removing additional guide use areas under intensive management as follows:

Any predator control use area changes will begin at the next regulatory year. July 1.

**What is the issue you would like the board to address and why?** I would like the Board of Game to address the change of laws in the middle of a regulatory year. When you change a unit from being a predator control use area to a non-predator control area in the middle of winter after people have booked hunts, it makes it very, very hard to run a guide business the way it should be. It makes the additional guide use areas we had planned on being able to use from several back to three and that's fine but more notice is needed than a few months. These changes need to

be implemented and started at the beginning of a regulatory year so we know when and what areas we can register and it gives us time to book or not book hunts in these predator control use areas.

**PROPOSED BY:** Clint Miller (EG-F17-019)

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**PROPOSAL 52 – 5 AAC 92.106. Intensive management of identified big game prey populations; 92.110. Control of predation by wolves; and 92.115. Control of predation by bears.** Prohibit nonresident hunting of moose and caribou under intensive management until harvest and population objectives are met as follows:

**Nonresident hunting shall not be allowed for any moose or caribou population under a current Intensive Management Predation Control Program until the minimum Intensive Management population or harvest objectives for that population has been reached.**

**What is the issue you would like the board to address and why?**  
**Nonresident hunting opportunity in areas under Intensive Management Predation Control Programs.**

Intensive Management (IM) Predation Control Implementation Programs to restore the abundance of prey species as necessary to achieve human consumptive use goals are intended to benefit resident Alaskans.

Resident Hunters of Alaska supports IM efforts to achieve these goals.

We understand that nonresidents also benefit from IM programs once IM population or harvest objectives are met. That is why we support nonresidents as well as residents paying a fee for the state’s active management programs. However, nonresidents are not supposed to benefit from IM programs while they are in progress when neither the harvest or population objectives for specific moose and caribou populations have been achieved.

We would like to see the Board of Game (board) adopt regulations that match the intent of our Intensive Management Law. No nonresident hunting should be allowed in any area of the state for a moose or caribou population that is under a formal IM Predation Control program to increase populations for the benefit of resident consumptive uses when the minimum IM population or harvest objectives for that prey species has not been reached.

This is a simple straightforward step the board can take to ensure for the public that when we undertake controversial predation control programs to reduce predators, its primary intention is to benefit resident Alaskans so that they can put food on their tables.

**PROPOSED BY:** Resident Hunters of Alaska (EG-F17-076)

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## **Cultural & Subsistence Uses**

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**PROPOSAL 53 – 5 AAC 99.025(a)(12). Customary and traditional uses of game populations.** Reevaluate the customary and traditional use finding for migratory game birds statewide as follows:

The proposal requests that the Board of Game (board) review the information provided in the customary and traditional use worksheet provided by ADF&G as well as other available information, including information from the public, to determine if populations of migratory game birds (ducks, geese, swans, snipe, and cranes) statewide support customary and traditional subsistence uses. If a positive determination is made, the regulation would read as follows:

### **5 AAC 99.025. Customary and traditional uses of game populations (a)**

<b>SPECIES &amp; UNIT</b>	<b>FINDING</b>	<b>AMOUNT REASONABLY NECESSARY FOR SUBSISTENCE USES</b>
(12) Small Game		
<u>(X) Migratory game birds</u>	<u>positive</u>	

**All units with a harvestable portion except within the nonsubsistence areas as defined in 5 AAC 99.015.**

**What is the issue you would like the board to address and why?** AS 16.05.258 requires the board to identify game populations or portions of populations that support customary and traditional subsistence uses (a “C&T finding) and to adopt regulations that provide reasonable opportunities for Alaska residents to participate in these subsistence uses. 5 AAC 85.065(a)(4) provides hunting opportunities for migratory game birds, including ducks, sea ducks, geese, tundra swans, sandhill cranes, and common snipe. However, until January 2017 the board had only made a positive C&T finding for Canada geese in Unit 6. In January 2017, the board made a positive customary and traditional use determination for emperor geese throughout their Alaska range as well as for all migratory waterfowl (ducks, geese, swans), sandhill cranes, and common snipe in Units 18, 22, 23, and 26A. The finding was based in part on a report prepared by ADF&G titled “Customary and Traditional Use Worksheet: Migratory Game Birds, featuring Emperor Geese” (RC 5, Tab 4 at the January 2017 meeting). The report provided background harvest and use information on uses of migratory game birds in Alaska organized around the eight criteria used by the Board of Game and the Board of Fisheries to identify customary and traditional uses (5 AAC 99.010(b)). Although the board expressed an interest in including all migratory game birds (ducks, geese, swans, snipe, and cranes) throughout their ranges in Alaska (excluding nonsubsistence areas) in their positive finding, the legal notice for the meeting limited action to emperor geese throughout their Alaska range and other migratory game birds only in Units 18, 22, 23, and 26A. After adopting the C&T finding, the board requested that ADF&G prepare a proposal to address a C&T finding for migratory game birds statewide to be considered at the statewide regulatory meeting in November 2017.

Making a C&T finding would not result in any changes to seasons, bag limits, or other state regulations governing the taking of migratory game birds.

Because of the broad scale of the proposed C&T finding, it is not recommended that the board establish an amount reasonably necessary for subsistence (an “ANS finding”) for migratory game birds at this time.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F17-006)  
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**PROPOSAL 54 – 5 AAC 92.070. Tier II subsistence hunting permit point system.** Modify the Tier II subsistence hunting permit point system as follows:

Eliminate the Tier II eligibility rural preference application point-scoring questions on:

1. Location of purchase of most of applicant’s gasoline and groceries during the last year; and
2. Number of days in the local hunt area spent on subsistence activities.

Change to: (1) Eligibility questions on number of the applicant’s related **living**-generations that have and will benefit from applicant’s subsistence harvests; and

(2) applicant’s total reliance and dependency on all their subsistence use activities no matter where applicant does subsistence hunt-fish-pick berries in the state; and

(3) the number of years the applicant has hunted or applied for this particular Tier II hunt; based on the following:

(1) Count each living generation as one each for applicant and spouse, plus one generation for children, plus one for grandchildren, plus one for parents of applicant, plus one for grandparents, plus one for great grandparents, plus one for great grandchildren, plus one for generation of living nieces and nephews, and plus one great nieces and nephews. This will help assure compliance with 5 AAC 99.010 defining long-time customary and traditional subsistence use of at least one generation, i.e., ten years or more.

(2) Consider all the subsistence activities use days for all hunt-fish-pick berries subsistence reliance and dependency of the applicant, no matter where applicant lives in the state or exercised subsistence use rights.

(3) Consider applicant’s number of years for hunting or applied for the Tier II species hunt being applied for, along with any other Tier II and Tier I general hunts for other big game species hunted or applied for and used for subsistence reliance and dependency.

**What is the issue you would like the board to address and why?** The present Tier II application questions, and the community subsistence harvest (CSH) applications, do not adequately address and protect long-time customary and traditional subsistence use reliance and

dependency. Present questions are geared toward **rural preference** as the controlling eligibility, and not protection of long-time customary and traditional subsistence use and reliance (dependency). AS 16.05.258(b).

Eligibility questions presently use location of residency and priority for location of hunt area of subsistence use, while denying (ignoring) a resident's all other subsistence use activities in other areas of the state. For example, I exercise my hunt-fish-pick berries subsistence use in the Kenai Peninsula area almost year round, yet I receive unequal or no subsistence use days eligibility if I apply for Tier II moose and caribou or subsistence use permit anywhere else in the state.

Naturally, a person hunts-fish-picks berries, as well as buys most groceries and gasoline annually—in and closest to his location of residency.

The present cumulative eligibility criteria in effect is a poorly disguised rural preference, where grants a location-residency-rural preference priority for the hunt area, without consideration of total subsistence use needs, reliance, and dependency of the individual applicant on subsistence use.

This will require a new way of thinking for the Board of Game, to get away from unconstitutional rural-local-residency and **racial** C&T priority preference eligibility, and change focus to protect long-time customary and traditional subsistence use reliance and dependency, no matter where the applicant resides in the state, and **equal for all races**, and will avoid continued litigation for unconstitutional residency-rural-racial-location permit priority preferences that violate *McDowell v. State*, 785 P.2d 1 (Alaska 1989); violate Alaska Constitution Article VIII Section 3 common use, and Alaska Native Claims Settlement Act (ANCSA) 43 U.S.C. 1601 Section 4b terminating all future aboriginal native priority preference of fish and game rights.

**PROPOSED BY:** Kenneth Manning (HQ-F17-014)  
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**PROPOSAL 55 – 5 AAC 92.019. Taking of big game for certain religious ceremonies.**  
Combine the regulations allowing the take of big game for religious ceremonies and ceremony potlatches as follows:

Amend: 5 AAC 92.019. Taking of big game for certain religious **and ceremony potlatches** [CEREMONIES]

(a) The hunting and taking of game species having a positive finding in 5 AAC 99.025, outside the seasons or bag limits established in 5 AAC 85, for use in this state as food in customary and traditional Alaska Native funerary, [OR] mortuary religious **or potlatch** ceremonies [WITHIN 12 MONTHS PRECEDING THE CEREMONY IS AUTHORIZED IF] consistent with sustained yield principles.

(b) The department shall publicize a list of game populations and areas, if any, for which the taking of game is inconsistent with sustained yield principles. It is the hunter's responsibility

to contact the department to find out which game populations and areas are excluded from taking under this regulation.

(c) A written permit from the department is [not] required for taking **big** game under this section, [except that in nonsubsistence areas, described in 5 AAC 99.015, and the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest Area defined in 5 AAC 92.074(d),] a ceremonial **or potlatch** harvest report form, provided by the department, must be obtained and jointly completed by the hunter and the tribal chief, village council president, clan leader, traditional Native head of family, or clan leader's designee for the village associated with the customary and traditional Alaska Native funerary, [or] mortuary religious ceremony, **or potlatch**.

**(d) the department may limit the amount of big game to be harvested**

**(1) by unit or area**

**(2) by sex**

**(3) females with offspring**

**(4) amount of big game**

**(5) time frame**

**(i) reporting of harvested big game will be reported no later than 15 days after harvest or permit requirement.**

**(ii) permit must be in possession of hunter/hunters and upon request from a peace officer of the state or authorized department person. A permittee may not refuse to present it or any big game in possession.**

[ (D) BEFORE GAME IS TAKEN UNDER THIS SECTION A TRIBAL CHIEF, VILLAGE COUNCIL PRESIDENT, CLAN LEADER, TRADITIONAL NATIVE HEAD OF FAMILY, OR THE CHIEF'S, PRESIDENT'S, TRADITIONAL NATIVE HEAD OF FAMILY, OR CLAN LEADER'S DESIGNEE FOR THE VILLAGE ASSOCIATED WITH THE RELIGIOUS CEREMONY, MUST NOTIFY THE NEAREST OFFICE OF THE DEPARTMENT THAT A HUNT FOR GAME WILL TAKE PLACE. THE NOTIFICATION MUST INCLUDE THE NUMBER OF ANIMALS EXPECTED TO BE TAKEN AND THE LOCATION WHERE THE TAKING WILL OCCUR. THE TRIBAL CHIEF, VILLAGE COUNCIL PRESIDENT, CLAN LEADER, TRADITIONAL NATIVE HEAD OF FAMILY, OR DESIGNEE MUST MAINTAIN RECORDS OF THE SUCCESSFUL HUNTERS AND THE DECEDENTS FOR THE CEREMONY, AND MAKE THAT INFORMATION AVAILABLE TO AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT UPON REQUEST. THE TRIBAL CHIEF, VILLAGE COUNCIL PRESIDENT, CLAN LEADER, TRADITIONAL NATIVE HEAD OF FAMILY, OR DESIGNEE MUST NOTIFY THE DEPARTMENT OF THE LOCATION, SPECIES, SEX, AND NUMBER OF ANIMALS TAKEN UNDER THIS SECTION AS SOON AS PRACTICABLE, BUT NOT MORE THAN 15 DAYS AFTER THE TAKING OF GAME.]

(e) It is an affirmative defense to a prosecution for hunting or taking big game outside the season or bag limit restrictions established in 5 AAC 85 that

(1) the person is a resident of this state;

**(2) the person must possess a valid hunting license.**

[(2)] **(3)** the hunting or taking was authorized under this section and the meat was used in a customary and traditional Alaska Native funeral [OR] mortuary religious **potlatch** ceremony; and

[(3)] **(4)** if the person took big game, the requirements of (d) of this section have been met.

(f) This section does not authorize the taking of game in areas where hunting is prohibited or when prohibited by a federal law that preempts state laws on point.

(g) In this section, "traditional Native head of family" means a person who, according to an Alaska Native tradition, is viewed as a head of a family and is charged with duties similar to those of a tribal chief, village council president, or clan leader regarding traditional Alaska Native funerary or mortuary rites.

**What is the issue you would like the board to address and why?** To centralize ceremony potlatches and religious ceremonies within the codified. The intent is to repeal 5 AAC 92.053, 92.017, and 92.055, and merge into 92.019, but these regulations were not on the Call for Proposals.

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee (EG-F17-096)  
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*Note: The following proposal requests regulatory changes that are both statewide and specific to the Central/Southwest Region (see Proposal 98). The board will take public testimony at the November 2017 Statewide Regulations Meeting, and may defer taking final action on the proposal until the February 2018 Central/Southwest Region Meeting.*

**PROPOSAL 56 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions.** Modify the community subsistence harvest permit conditions as follows:

Amend 5 AAC 92.072. Community subsistence hunt area and permit conditions:

Throughout the regulation the term/phrase “a resident of a community or member of a group” is used to define those participating in the community subsistence hunt (CSH). The regulations should be amended to clarify that the CSH is for “communities”, not simply any “group” of individuals who are Alaska residents. The use of the term “group” diminishes the “community” aspect of the hunt. A “group” can be those who only get together over the internet. A “group” can consist of those who only get together once a year for a potluck that includes a dish or two containing a little moose or caribou taken by a member of the group. The use of the term “group”

encourages the kind of abuse that has occurred in the CSH. It takes a “community” to practice the community pattern of C&T (customary and traditional) uses that the Board of Game (board) has set as a condition for participating in the hunt for the Copper Basin area (5 AAC 92.074(d)). Therefore, the term “group” should be stricken from the regulation and replaced when necessary with “community.”

The term “resident” should also be stricken, because a “community” of subsistence users may not all be residing in the same physical location. For example, the community composed of the eight Ahtna villages includes some Alaska residents who do not live in the area, but who continue to hunt, fish and gather subsistence resources in the area and to participate in the Ahtna customary and traditional hunting way of life, including widespread sharing, teaching traditional knowledge and values, potlatches, etc. Therefore, the term “community members” should be uniformly applied throughout the regulation when describing who is eligible to participate in the CSH. The term “residents” should be stricken.

Likewise, when describing the CSH administrator, the term “community administrator” should be used throughout the regulations. The term “group” should be deleted when the regulation references CSH administration.

Additionally amend 5 AAC 92.072. Community subsistence harvest hunt areas as follows:

(a) The commissioner or the commissioner's designee may, under this section and 5 AAC 92.052, issue community-based subsistence harvest permits and harvest reports for big game species where the Board of Game (board) has established a community harvest hunt area under (b) of this section and 5 AAC 92.074. **Prior to issuing a permit and harvest reports for the community hunt area described in 5 AAC 92.074(d), the commissioner or designee shall determine, on the basis of an application form developed by the department, that the community applying for the permit conforms with the definition of “community” set forth in section (i) of this regulation.**

...

(c) If the board has established a community harvest hunt area for a big game population, [RESIDENTS] **members** of the community [OR MEMBERS OF A GROUP] may elect to participate in a community harvest permit hunt in accordance with the following conditions:

(1)(D) make efforts to ensure that the applicable customary and traditional use pattern described by the board and included by the department as a permit condition, if any, is observed by subscribers [INCLUDING MEAT SHARING]; the applicable board finding and conditions will be identified on the permit; this provision does not authorize the community [OR GROUP] administrator to deny subscription to any community **[RESIDENT OR GROUP] member who agrees to practice the applicable customary and traditional use pattern as practiced by the community;**

...

(c)(3) in addition to the requirements of (1) of this subsection, the community [OR GROUP] representative must submit a complete written report, on a form provided by the department, for the community [OR GROUP] participating in the community harvest hunt area described in 5

AAC 92.074(d), that describes efforts by the community [OR GROUP] to observe the customary and traditional use pattern described by board findings for the game populations hunted under the conditions of this community harvest permit; in completing the report, the representative must make efforts to collect a complete report from each household that is a member of the community [OR GROUP] that describes efforts by the household to observe the customary and traditional use pattern using the eight elements described in this paragraph; a copy of all household reports collected by the community [OR GROUP] representative shall be submitted to the department as a part of the representative's written report; complete reports must include information about efforts to observe the customary and traditional use pattern of the game population, as follows:

(A) Element 1: participation in a long-term, consistent pattern of noncommercial taking, use, and reliance on the game population: the number of years of taking and use of the game population; and involvement of multiple generations in the taking and use of the game population; and use of areas other than the community subsistence hunt area for harvest activities;

(B) Element 2: participation in the pattern of taking or use of the game population that follows a seasonal use pattern of harvest effort in the hunt area: the months and seasons in which noncommercial harvest activities occur in the hunt area;

(C) Element 3: participation in a pattern of taking or use of wild resources in the hunt area that includes methods and means of harvest characterized by efficiency and economy of effort and cost: costs associated with harvests; and methods used to reduce costs and improve efficiency of harvest; and number of species harvested during hunting activities;

(D) Element 4: participation in a pattern of taking or use of wild resources that occurs in the hunt area due to close ties to the area: number of years of taking and use of the game population; and involvement of multiple generations in the taking and use of the game population; and variety of harvesting activities that take place in the hunt area; and evidence of other areas used for harvest activities;

(E) Element 5: use of means of processing and preserving wild resources from the hunt area that have been traditionally used by past generations: complete listing of the parts of the harvested game that are used; and preservation methods of that game; and types of foods and other products produced from that harvest;

(F) Element 6: participation in a pattern of taking or use of wild resources from the hunt area that includes the handing down of knowledge of hunting skills, values, and lore about the hunt area from generation to generation: involvement of multiple generations in the taking and use of the game population; and evidence of instruction and training;

(G) Element 7: participation in a pattern of taking of wild resources from the hunt area in which the harvest is shared throughout the community: amount of harvest of the game population that is shared; and evidence of a communal sharing event; and support of those in need through sharing of the harvest of the game population; and

(H) Element 8: participation in a pattern that includes taking, use, and reliance on a wide variety of wild resources from the hunt area: the variety of resource harvest activities engaged in within the hunt area; and evidence of other areas used for harvest activities.

**(c)(4) the department may waive the annual reporting requirement and institute a five-year reporting period for any community which has demonstrated, through reports submitted annually over a five-year period, a high degree of participation in the customary and traditional community use pattern described in board findings for the area.**

...

(f) The department may disapprove an application for a community subsistence harvest permit from a community [OR GROUP] that has previously failed to comply with requirements in (c)(1) and (3) of this section. The failure to **submit a report by the community [OR GROUP] representative under (c) [(1) AND] (3) of this section which demonstrates, pursuant to criteria and a scoring system established by the department, that the community is observing the customary and traditional use pattern described by board findings for the game populations hunted under the conditions of this community harvest permit shall** [MAY] result in denial of a community subsistence harvest permit for the area during the following **two regulatory years for all members of the community.** The department must allow a representative the opportunity to request a hearing if the representative fails to submit a complete report as required under (c)(1) and (3) of this section. A community [OR GROUP] aggrieved by a decision under this subsection will be granted a hearing before the commissioner or the commissioner's designee, if the community [OR GROUP] representative or **a member of the community** makes a request for a hearing in writing to the commissioner within 60 days after **receiving notice from the department that the community will be denied a community subsistence harvest permit for the following year.** [THE CONCLUSION OF THE HUNT FOR WHICH THE PERSON FAILED TO PROVIDE A REPORT]. The commissioner may determine that the penalty provided under this subsection will not be applied if the community [OR GROUP] representative **or member** provides the information required on the report **sufficient to satisfy the department's requirements** and if the commissioner determines that

(1) the failure to provide the report was the result of unavoidable circumstance; or

(2) extreme hardship would result to the community [OR GROUP] **or member.**

...

(h) Nothing in this section authorizes the department to delegate to a community [OR GROUP] representative determination of the lawful criteria for selecting who may hunt, for establishing any special restrictions for the hunt and for the handling of game, and for establishing the terms and conditions for a meaningful communal sharing of game taken under a community harvest permit, **except that a community representative shall require participating community members to observe the customary and traditional use pattern described by board findings for the game populations hunted as that pattern of use is practiced by the community.**

...

(i) In this section,

(2) a "community" [OR "GROUP"] is "a group **of 25 or more individuals** [OF PEOPLE] linked by a common interest in, and participation in **a consistent pattern of noncommercial taking, use, and reliance on a wide diversity of subsistence resources in** [,] an **identified** area [AND



THE WILDLIFE POPULATIONS IN THAT AREA,] that **provides substantial economic, cultural or social, and nutritional elements of the subsistence way of life of the community and its members** [IS CONSISTENT WITH THE CUSTOMARY AND TRADITIONAL USE PATTERN OF THAT WILDLIFE POPULATION AND AREA AS DEFINED BY THE BOARD].

**What is the issue you would like the board to address and why?** This proposal: 1) amends the regulation to delete the terms “group” and “residents” and replaces these terms with the term “community” and “members”; 2) amends the authority of the Department of Fish and Game (department) to issue community-based subsistence harvest permits and harvest reports for the Copper Basin area (5 AAC 92.074(d)) to require the department to create an application form that establishes that the applicant is a “community” as that term is defined in the regulation; 3) amends the definition of “community” to make it clear that groups applying for and participating in the CSH share a common interest and participation in the pattern of C&T community use identified by the board for wildlife resources in that area and which provides substantial economic, cultural or social, and nutritional elements of the subsistence way of life of the community and its members; 4) requires the department to develop and apply a scoring system for annual reports from CSH administrators for the CSH in the area described in 5 AAC 92.074(d), and to disqualify a community and all members of the community for two years from participating in a CSH in this area if the annual report fails to satisfy the minimum score developed by the department for demonstrating that a community is observing the community pattern of subsistence use that is a condition of the permit for the area; 5) allows the department to waive the annual CSH administrator reporting requirement for the area described in 5 AAC 92.074(d) if a community has established a solid record of practicing the applicable C&T pattern of use, and replace it with a report once every five years; and 6) allows a CSH administrator to require all members of the CSH community to observe the C&T pattern of use recognized by the board in establishing the CSH, including specific practices of the community that are consistent with the pattern of use recognized by the board.

**PROPOSED BY:** Ahtna Tene Nene’ (HQ-F17-026)  
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**PROPOSAL 57 – 5 AAC 85.072(i)(2). Community subsistence harvest hunt area and permit conditions.** Change the definition of “community” or “group” for community subsistence harvest hunts as follows:

**5 AAC 92.072(i)(2) is entirely repealed and readopted to read:**

**(2) a “community” or “group” is a mutual support network of people who routinely (at least several times each year) provide each other with physical, emotional, and nutritional assistance in a multi-generational and inter/intra familial manner to assure the long-term welfare of individuals, the group, and natural resources they depend on.**

Existing 5 AAC 92.072(i)(2)

(2) a “community” or “group” is a group of people linked by a common interest in, and participation in uses of, an area and the wildlife populations in that area, that is consistent with the customarily and traditional use pattern of that wildlife population and area as defined by the board.

**What is the issue you would like the board to address and why?** The Board of Game requested this proposal during the March, 2017 board meeting concerning caribou and moose hunting in Units 11, 12 and 13. During that meeting, the board received several public comments from community subsistence harvest hunt participants about the effectiveness of the program. Testimony also emphasized the importance for natural resource conservation to ensure long term sustenance and customary and traditional uses. The board agreed a modification to the definition of community/group is necessary to more accurately reflect the intent of the community subsistence harvest hunt regulations and further clarify how the community hunt is distinguished from the individual Tier I hunt. The customary and traditional use pattern described in regulation (92.072 subsection c), and the Board of Game findings #2006-170-BOG and #211-184-BOG, remain in effect and are an important element of the Copper Basin Community Subsistence Harvest hunt.

The board encourages input from the public on the current and proposed definitions to be considered at the November 2017 Statewide Regulations meeting.

**PROPOSED BY:** Board of Game (HQ-F17-056)  
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**PROPOSAL 58 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions; and 92.220. Salvage of game meat, furs, and hides.** Modify the salvage requirements for moose and caribou taken under community subsistence harvest hunts as follows:

Community harvest hunts for caribou and moose must have all meat stay naturally attached to the bone.

**What is the issue you would like the board to address and why?** By having all meat stay naturally attached to the bone, the Denali Fish and Game Advisory Committee suggests that this will help prevent and simplify enforcement of wanton waste. This includes the existing front quarter, hind quarter and rib meat as well as all of the neck meat, all of the brisket, and all of the meat along the backbone.

**PROPOSED BY:** Denali Fish and Game Advisory Committee (HQ-F17-004)  
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*Note: The Board of Game does not have authority to change the Tier II scoring criteria to include nonconsumptive use per Alaska Statute 16.05.258.*

**PROPOSAL 59 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions; and 92.070. Tier II subsistence hunting permit point system.** Consider all customary and traditional uses as eligibility criteria for Tier II and community subsistence harvest hunts as follows:

Consider all customary and traditional (C&T) uses as eligibility criteria preferences for all Tier II and community subsistence harvest (CSH) permit applications.

**What is the issue you would like the board to address and why?** Customary and traditional uses of fish and game populations. Consider the use of customary and traditional hand-made manufacture and use of subsistence harvest of non-edible animal parts harvested for customary and traditional practical use of hides, bones, horns, antlers, religious use, jewelry, barter, trade, and gifts, as priority preferences eligibility for all statewide subsistence use application permits.

Presently, no ADF&G applications for Tier II or CSH subsistence use permits consider or respect the customary and traditional uses of non-edible long-time traditional and customary uses and handicrafts for subsistence eligibility criteria.

**PROPOSED BY:** Kenneth Manning (EG-F17-056)  
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## **Hunter Education**

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**PROPOSAL 60 – 5 AAC 92.003. Hunter education and orientation requirements.** Require hunter education for hunters 12 years of age or older, and those under 12 to be accompanied by someone who has successfully completed the course as follows:

Under 5 AAC 92.003 Hunter education and orientation requirements, and on page 13 of the Alaska Hunting Regulations it should read:

Beginning July 1, 2018, **ALL Hunters** 12 years of older must have completed a Basic Hunter Education course to hunt in the State of Alaska. Hunters under 12 years of age must be accompanied by someone who has successfully completed a Basic Hunter Education course.

**What is the issue you would like the board to address and why?** Mandatory hunter education requirement for **ALL Hunters** 12 years and older to address the large increase in the number of hunters who have never hunted before in the State of Alaska and have been exempted by current regulations. Hunters under 12 years old must be accompanied by someone who has successfully completed a Basic Hunter Education course.

In fact, it is time to implement a uniform code for the entire state. Presently, hunter education is now mandatory in most states, and for good reason. Solid education improves safety for other hunters in the field, the hunter themselves, and decreases the percentage of wounded animals left in field.

**PROPOSED BY:** John Kaiser

(EG-F16-149)

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## **Permits for Possessing Live Game**

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**PROPOSAL 61** – 5 AAC 92.029. **Permit for possessing live game.** Add Lesser Hedgehog Tenrec to the list of animals allowed to be possessed without a permit as follows:

Under 5 AAC 92.029. Permit for possessing live game, section (b), I would like to see the Lesser Hedgehog Tenrec listed.

**What is the issue you would like the board to address and why?** Currently, the African Pygmy Hedgehog is on the clean list for exotic pets in Alaska. As a licensed hedgehog breeder, I am also interested in introducing the Lesser Hedgehog Tenrec species into our community. The Tenrec is similar to the African Pygmy Hedgehog (APH) in care and needs, however, they are not related despite the name "hedgehog" in their title. Many hedgehog breeders in the "lower 48" offer this species to their clients as well as the APH. The availability and knowledge of the Lesser Hedgehog Tenrec is not as common in the pet industry because they do not breed as quickly as a hedgehog.

As an exotic pet owner and breeder, this is a variety of animal that I would love to have the opportunity to bring into my home and learn more about their contributions as a more affectionate "pocket pet". The joy that I see that this species bring into other families as a family pet seems to be exuberant. I do not see it being anymore of a threat to the eco-environment in Alaska, and a great alternative to various rodents that others enjoy as family members. Like the APH, this species is also hypoallergenic making it a great alternative to those that cannot have a typical cat or dog in their lives.

**PROPOSED BY:** Billie Wilder

(EG-F17-020)

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**PROPOSAL 62** – 5 AAC 92.029. **Permit for possessing live game.** Allow the release of sterilized, feral cats into the wild as follows:

This proposal is a request to change Alaska Administrative Code 5 AAC 92.029, Permit for Possessing Live Game, to remove the regulatory barrier to implement Trap-Neuter-Return (TNR) programs to manage community cat populations. Specifically, I am requesting that 5 AAC 92.029 be changed to exempt "sterilized feral cats" (under Cats/Felis catus) from the list of species that are prohibited from being released into the wild.

### **5 AAC 92.029. Permit for possessing live game.**

(a) Except as otherwise provided in this chapter, or in AS 16, no person may possess, import, release, export, or assist in importing, releasing, or exporting, live game, unless the person holds a possession permit issued by the department.

(b) The following species, not including a hybrid of a game animal and a species listed in this subsection, may be possessed, imported, exported, bought, sold, or traded without a permit from the department but may not be released into the wild:

**Common Name**

Dog  
Cat (**except sterilized feral cats**)  
Sheep  
Goat  
Cattle  
Oxen  
Horse  
Guinea pig  
Reindeer (except feral reindeer)  
Llama  
Alpaca  
One-humped camel  
Ass  
Mule  
Swine  
European ferret  
European rabbit  
White rat  
  
Mice: white, waltzing, singing, shaker, piebald  
Fat-tailed gerbil  
Gerbil  
Hamster (golden)  
Chinchilla  
Cavy  
Hedgehog, African Pygmy  
Chicken  
Pigeon  
Any Turkey species  
Any Pheasant, Junglefowl or Coturnix species  
Any Guineafowl species  
Canary  
Parrot, parakeet, cockatiel, macaw, and other members of the Family Psittacidae not prohibited by federal or international law  
Toucan  
Any New World Quail species (including Bobwhite)  
Mynah  
Any Peafowl species  
Any duck, goose, swan, or other migratory waterfowl which the U.S. Fish and Wildlife Service determines does not require a federal permit for private ownership  
Chukar partridge

**Scientific Name**

Canis familiaris  
Felis catus  
Ovis aries  
Capra hircus  
Bos taurus  
Bos spp.  
Equus caballus  
Cavia porcellus  
Rangifer tarandus Var.  
Lama peruana  
Lama pacos  
Camelus dromedarius  
Equus asinus Var.  
Equus asinus x caballus  
Sus scrofa Var.  
Mustela putorius furo  
Oryctolagus cuniculus Var.  
Rattus norvegicus Var.  
albinus  
Mus musculus Var.  
Pachyuromys duprasi  
Gerbillus spp.  
Mesocricetus auratus  
Chinchilla laniger  
Cavia aperea  
Erinaceus albiventris  
Gallus gallus Var.  
Columia livia Var.  
Subfamily Meleagridinae  
Subfamily Phasianinae  
Subfamily Numidinae  
Serinus canaria Var.  
Family Psittacidae  
  
Family Ramphastidae  
Subfamily Odontophorinae  
  
Acridotheres spp.  
Pavo spp.  
  
Alectoris chukar

Button “quail”

Any nonvenomous reptile (crocodile, alligator, snake, turtle, or lizard) Members of the bird families Fringillidae, Turdidae, Zosteripidae, Pycnonotidae, Timaliidae, and Ploceidae of non-Holarctic origin. Members of the bird families Columbidae and Trogonidae of non-Nearctic origin.

Family Turnicidae in the order Gruiformes  
Class Reptilia

Elk (except feral and wild elk)

(cervus elaphus)

Bison (except feral and wild bison)

(Bison bison)

Muskoxen (except feral and wild muskoxen)

## **What is the issue you would like the board to address and why?**

### **Introduction**

My name is Shannon Basner, and I am submitting the following proposal to the Alaska Board of Game as a constituent living in Anchorage. I am a special education teacher in the Anchorage School District working in a self-contained behavior classroom. I have taught in New York and Alaska for 22 years collectively. I am also the founder of Mojo’s Hope, a nonprofit organization that rescues, rehabilitates, and re-homes animals with special needs ([www.mojoshope.org](http://www.mojoshope.org)), Alaska Kitty Advocacy Awareness Adoption Tails (KAAATs), a non-profit organization that promotes advocacy, awareness and adoptions of cats ([www.pawprintshowlsandpurrs.org/alaska-s-kaaats](http://www.pawprintshowlsandpurrs.org/alaska-s-kaaats)), and Paw-Prints, Howls and Purrs, a pet photography business ([www.pawprintshowlsandpurrs.org/](http://www.pawprintshowlsandpurrs.org/)). In addition, I am an ABC-DT Certified Trainer who specializes in working with dogs and cats with specific behavior needs, such as being fearful, shy or introverted, primarily in the shelter or foster environment, with the goal of shaping behaviors so animals are comfortable with themselves and potential adopters.

### **Proposal Issue: Management of Community Cats**

Community cats are unowned, free-roaming cats who live outdoors. These cats may have been born in the wild, or they may be lost or abandoned pets. Most community cats are not socialized to people (i.e., feral cats), so they are unable to adjust to living indoors. If community cats are brought to an animal shelter, they experience intense suffering due to the stress of being confined and their fear of people. As a result, virtually all community cats are killed since they are not suitable for adoption. Therefore, the term “community cats” reflects the reality that for these cats, “home” is within the community rather than in an individual household.

Local governments may explore strategies to manage their municipality’s community cat population for a variety of reasons, including reducing animal control and shelter costs, stabilizing the number of cats living outdoors, and reducing nuisance complaints. They have three options:

1. **Trap-And-Remove (i.e., Catch-and-Kill):** Cats are trapped, brought to a shelter, and, because most are not socialized to people and are unadoptable, killed. Any remaining cats in the area quickly breed to capacity, or new cats move in to take advantage of the newly available resources. This is a well-documented phenomenon known as the “vacuum effect.”

Year after year, more cats are trapped, more cats are killed, and more time and money is spent with zero evidence of success.

Please see the Appendix for more information about the “vacuum effect.”

2. **Trap-Neuter-Return (TNR):** Cats are humanely trapped, spayed or neutered, vaccinated, eartipped, and returned to their outdoor home where they will continue to live while keeping newcomers at bay. Over time, TNR stabilizes or reduces community cat populations by stopping the breeding cycle and preventing unwanted litters of kittens.
3. **Do Nothing:** Cats continue to live outdoors without being spayed or neutered, vaccinated, or provided veterinary care if injured or sick. As a result, community cat populations are not managed, public health and resident concerns are not addressed, and animal welfare implications are not considered.

### **Why the Regulation Is Being Proposed**

Alaska has a large population of community cats, yet current Alaska Department of Fish and Game regulations allow *only one option* to manage them: Catch-and-Kill. Alaska’s local governments, shelters, residents, and animals deserve *a second option*: Trap-Neuter-Return (TNR).

TNR is recognized worldwide as the most effective, sustainable, and humane approach to community cat management. Cities and shelters across America have stopped using the Catch-and-Kill approach because it is expensive, time-consuming, and ineffective. Today, over 650 municipalities have adopted a TNR ordinance or policy, and thousands more welcome the TNR efforts of citizens. This regulation change is being proposed so communities in Alaska can legally implement a TNR program to manage their community cats.

Please see the Appendix for case studies on how TNR has transformed communities across the county and key scientific studies that demonstrate the effectiveness of TNR programs.

There are residents and animal rescue groups who want to practice TNR in Alaska for the health and wellbeing of community cats. For example, one rescue group receives requests to trap feral cats and kittens approximately two to three times a month (sometimes higher in the summer). Since TNR is illegal, they must limit their actions to kittens who are young enough to be socialized and cats who are most likely domesticated strays. When the group explains the limited options for most of these community cats, finders are typically unwilling to trap the cats/kittens and take them to animal control to be killed. The good news is this group regularly traps, sterilizes, and vaccinates cats and kittens who are good candidates for socialization and adoption, which does help reduce the number of breeding cats in the community. The bad news is that cats and kittens who are not capable of being socialized and adopted cannot be sterilized and vaccinated, because it is illegal to return them to their outdoor homes. This group looks forward to a time when they no longer must deny assistance to the many concerned residents who want to help *all* community cats.



My organization, Mojo's Hope, is interested in working alongside other local nonprofits to implement a TNR program in Anchorage. In March 2014, I began a dialogue with our local animal control about the effectiveness of TNR. I presented case studies, informational packets, and statistics of the impact of such programs in the lower 48. It was at this time that we discovered regulation **5 AAC 92.029** creates a barrier to TNR. Our TNR program would entail humanely trapping community cats and transporting them to a veterinary clinic where they will be spayed or neutered, vaccinated, and eartipped, which involves removing the tip of the cat's left ear to indicate that he or she has been sterilized and vaccinated. Based on an assessment by the veterinary team and a cat behaviorist, healthy feral cats will be returned to their outdoor home and healthy socialized cats will be brought to our local open admissions shelter or one of the local rescue groups that work with the municipal shelter. We will work to educate the community about TNR and respond to questions about the program and the cats. Our goal is to help Anchorage's community cats live happy and healthy lives, mitigate concerns in the community, and help our animal control officers and shelter personnel focus their resources on animals in need.

### **Why the Regulation Change Should Be Adopted**

The proposed change to **Alaska Administrative Code Number 5 AAC 92.029, Permit for Possessing Live Game**, should be adopted to give local municipalities the opportunity to experience the many benefits of Trap-Neuter-Return (TNR).

#### TNR stabilizes or reduces community cat populations by:

- Increasing the number of cats who are spayed or neutered
- Decreasing the number of unwanted litters

#### TNR helps local governments and shelters save money by:

- Decreasing shelter intakes
  - Every animal impounded at a shelter requires expenses for housing, sanitation, comfort, medical care, and, especially for community cats, euthanasia. Once a shelter stops taking in feral cats, and their population is stabilized or reduced, fewer animals enter the shelter and fewer expenses are incurred.
- Decreasing shelter disease and euthanasia rates
  - Crowded conditions and stress increases incidences of shelter disease, especially upper respiratory infections (URI). For many shelter animals, health deterioration due to preventable illnesses results in euthanasia. When shelter intakes decrease due to TNR, more space and medical resources are available, fewer animals become sick, and fewer animals are euthanized.
- Increasing shelter save rates
  - As TNR reduces the strain on a shelter's financial and physical resources and personnel, more resources are available for adoptable and special needs pets. Rather than euthanize for space, behavior, or health issues, all animals are given the best opportunity to lead happy and healthy lives.
- Increasing shelter employee morale
  - There is a growing understanding of the negative impact animal euthanasia has on the mental health and morale of shelter employees. When they no longer bear the burden of euthanizing healthy community cats simply because they are

not socialized to people, shelters save money through reduced employee turnover rates, time away from work, and workers compensation claims.

TNR benefits local communities by:

- Increasing community support
  - When local governments and shelters support TNR, residents receive a clear message that the humane treatment of animals is a priority, and the community is transformed. Elected officials garner more support because they have addressed community concerns. Shelters grow their volunteer network because they have improved working conditions, services, and morale. Animal control officers improve their relationship with the public because they are saving more lives.
- Decreasing nuisance complaints
  - Most cat-related complaints to animal control are due to behaviors and stresses associated with mating and pregnancies, such as yowling, roaming, and fighting. When community cats are spayed or neutered, these behaviors and stress patterns stop, complaints are reduced, and animal control officers save time (and taxpayers' dollars) by responding to fewer calls.
- Increasing vaccination rates
  - Vaccinations are an integral component of TNR programs, which protect the health of individual cats and reduce the disease burden in the community.
  - TNR programs are often the number one provider of rabies vaccinations.

TNR improves individual cats' lives by:

- Increasing the number of community cats who are vaccinated
- Increasing the number of community cats who receive veterinary care if sick or injured
- Eliminating the behaviors and stresses associated with mating and pregnancy
- Providing an opportunity to live a happy and healthy life outdoors

Please see the Appendix for more information on how TNR benefits public health.

In conclusion, the proposed change to **Alaska Administrative Code Number 5 AAC 92.029, Permit for Possessing Live Game**, should be adopted because TNR is sound public policy.

**What Would Happen if the Regulation Is Not Changed**

If the proposed change to **Alaska Administrative Code Number 5 AAC 92.029, Permit for Possessing Live Game**, is not adopted, Alaska's local governments, shelters, and residents will continue to be limited to *only one option* to manage community cats: Catch-and-Kill. The purpose of this proposal is to remove the regulatory barrier to Trap-Neuter-Return (TNR) so Alaska's communities have *a second option* to manage community cat populations. The change will not impact the authority of municipalities to develop programs and policies that best fit their needs. In fact, this regulatory change will support the discretion of municipalities by allowing them to choose whether TNR is right for them.

**Other Solutions Considered and Rejected**

Most community cats are not socialized to people, so they are unable to adjust to living indoors and cannot be adopted into traditional homes. Therefore, there are only two options to manage them: Trap-and-Remove (i.e., Catch-and-Kill) and Trap-Neuter-Return (TNR). Those who do not understand the unique needs of community cats often suggest cat sanctuaries as a solution. However, the viability of cat sanctuaries as an option for community cats exists only in theory, not in reality.

Cat sanctuaries are not the answer for the millions of community cats who live outside, just as they are not the answer for socialized cats who have lived with people inside. Sanctuaries face many challenges, including significant financial obstacles. They are extremely expensive to build and maintain, and most of them just aren't sustainable. Cat sanctuaries often spend thousands of dollars for housing and care per cat! Once a facility has opened, they fill up fast because they can only provide long term care for a small group of cats. Even then, the confinement and the large number of cats in small rooms or areas causes the cats a lot of stress and can expose them to disease. Despite their good intentions, sanctuaries are forced to close their doors every year due to insufficient funds or an inability to properly care for the cats in the existing confined space.

Rather than spend money to house a few hundred cats in a confined space, it is more practical, cost-efficient, and effective to fund Trap-Neuter-Return (TNR) and low-cost spay and neuter programs that will benefit the entire cat population.

## **Appendix**

*The appendix and references submitted with the proposal are available on the Board of Game proposal book webpage at [www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposalbook](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposalbook) or by contacting the ADF&G Boards Support Section at 465-4046.*

**PROPOSED BY:** Mojo's Hope/Alaska's KAAATs (HQ-F17-007)  
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**PROPOSAL 63 – 5 AAC 92.029. Permit for possessing live game.** Prohibit the release of feral or stray domesticated cats into the wild as follows:

Put simply, to specifically and by name outlaw “Trap, Neuter, Release” (TNR) and all other "no-kill" programs predicated on trapping and treating feral domesticated cats and then returning them to the wild, or feeding and maintaining colonies of such cats unconfined, anywhere in the state of Alaska. An example of my proposed textual additions are given below in ***bold, italicized, underlined*** font:

Example: **AAC 92.029 Permit for Possessing Live Game** (d): Under this section, and in accordance with the definition of "game" as in AS. 69.05.940 (which includes feral domestic animals), a game animal defined as deleterious exotic wildlife or nonindigenous gallinaceous bird is feral if the animal is not under direct control of the owner, including being confined in a cage or other physical structure, or being restrained on a leash; ***feral animals shall not be maintained unconfined in Alaska under the aegis of "no-kill" management programs such as TNR, TVNR, RTF or any other such program not providing for secure and continuous confinement of such animals at all times. Owners of such animals shall apply for permits***

**issued by the department for all animals in their care, and shall abide by all conditions required by said permits.**

In support of the above I include text from **AAC 92.029 Permit for Possessing Live Game** (h): "Upon application" (for temporary release for hunting, field trials, etc.) the board will add a species to the list in (b) of this section if there is clear and convincing evidence that the species is (1) not capable of surviving in the wild in Alaska; (2) is not capable of causing a genetic alteration of a species that is indigenous to Alaska; (3) is not capable of causing a significant reduction in the population of a species that is indigenous to Alaska; (4) is not capable of transmitting a disease to a species that is indigenous to Alaska; (5) does not otherwise present a threat to the health or population of a species that is indigenous to Alaska; (6) is not captured from the wild for use as a pet; (7) does not present a conservation concern to the species' native habitat outside of this state; (8) can reasonably be maintained in good health in private ownership; and (9) does not present a likelihood that concerns about, or threats to human health and safety will lead to adverse consequences for captive animals.

The underlined, italicized font in items (1), (3)-(5) and (9) clearly disqualifies feral cats from being considered as a species suitable for even temporary release into the wild.

The alternative solution I propose would be to reclassify feral cats as "vermin" and allow unlimited take, year-round.

**What is the issue you would like the board to address and why?** Respectful greetings to members of the Alaska Board of Game: My proposal is to add language to 5 AAC Ch. 92.029 specifically prohibiting release of feral or stray domesticated cats (*Felis catus*) into the outdoors, or maintaining them unconfined anywhere in the state of Alaska, as part of any so-called "no-kill" management scheme touted to be a "viable alternative" to euthanasia or other lethal means of animal control currently provided for by existing State regulation.

Such schemes are identified under various acronyms such as: TNR--"Trap, Neuter, Release"; TVNR--"Trap, Vaccinate, Neuter, Release"; RTF--"Return-to-Field", etc. Proponents' claims to the contrary notwithstanding, these programs have proved utterly worthless for control or reduction of feral cat populations, and they pose a growing public health threat to our citizens, zoonotic disease threat to our valuable native wild mammals (terrestrial and marine, game and non-game), and an egregious threat by direct depredation to Alaska's smaller native mammal and bird populations.

I submit this proposal because misguided "animal welfare activists" in Alaska have proposed to this board that exemptions be made to the existing language of 5 AAC 92.029 prohibiting release of domesticated animals into the wild, and which prohibits maintaining feral domesticated animals as defined per AS.16.05.940 "...if the animal is not under direct control of an owner, including being confined in a cage or other physical structure, or being restrained on a leash."

Such "humane" activists desire exemptions to 5 AAC 92.029 so they can feed and maintain unconfined feral cat colonies in our environment. These groups already maintain such colonies in Anchorage and in the Mat-Su Valley illegally—they have admitted this on their websites and

I've obtained screenshots of said admissions, which I will print and provide upon request during the period for public input or as the board directs.

Last May, an Anchorage Animal Control Officer verbally acknowledged to me that at least two illegal feral cat colonies in Anchorage were "managed" or otherwise cared for by one of these groups. The group's president volunteers at the Anchorage animal shelter. One of her online statements suggest the illegal cat colonies may have been moved to locations which are being kept secret.

The irresponsible practice of trapping, neutering, vaccinating and then returning feral cats where they were trapped represents egregious threats to public health and wildlife conservation, and does nothing whatsoever to reduce feral cat presence in our environment—quite the opposite. The following examples constitute some of the reasons for my proposal and opposition to a proposal which was unsuccessfully, attempted to be submitted to the board last year. Please be advised that I can provide peer-reviewed scientific reports substantiating every example listed below, and again, will provide said documentation on board request:

(1) Since the advent of "no-kill" feral cat programs, cats have become the primary domesticated rabies vector in the US. Nearly one-third of human rabies exposures—about 13,000 annually—are cat-vectored. This has been the case for nearly three decades.

(2) One reason for this is that TNR colony "care-takers" only give the initial rabies shot when they trap a cat. The required annual rabies booster is never given, because once trapped the cats become wary and difficult to re-trap (so the caretakers simply don't bother).

(3) The worst incidence of human rabies exposure in US history was due to a TNR feral cat colony in one New Hampshire town in 1994. A rabid raccoon attracted to food left out for the cats transmitted the virus to four feral kittens. The colony "caretakers" subsequently gave (or sold) these kittens to a local pet store, which distributed them to the public. 665 individuals had to receive post-exposure prophylactic inoculations for rabies. It cost that municipality nearly \$2 million to treat them. Rabies is nearly always fatal.

(4) Cats are also the definitive host of a highly dangerous pathogen—*Toxoplasma gondii*—which reproduces exclusively in feline digestive tracts. In the US between 40% and 70% of free-roaming cats are infected with it, usually throughout their lives. The pathogen's oocysts are its infectious agents, and infected cats shed hundreds of millions of them with their feces. The oocysts persist and remain infectious for up to 4.5 years, and—again thanks to "no-kill" programs like TNR and the resulting proliferation of feral cats—they now occur in our environment at densities of from three to 434 per square foot.

(5) Although it's almost certain *T. gondii* oocyst density in Alaska is less than in the lower '48—if for no other reason than because of our colder climate and smaller feral cat population—a pregnant woman in Anchorage consumed toxoplasmosis-infected flesh from a moose which her husband shot in October 2013, and passed the oocysts she ingested with her meal to her unborn child, who nearly died. The child recovered thanks to heroic measures, but may still lose his eyesight to ocular lesions caused by toxoplasmosis. He will in any event be infected for life.

(6) Per the CDC toxoplasmosis is the leading cause of pathogenic blindness—mostly but by no means exclusively in children—and the second-leading cause of fatal food-borne illness, surpassed only by Salmonella. 4,500 Americans are hospitalized with toxoplasmosis-related food-borne illness each year. Nearly 10% of them die.

(7) The incidence is far greater in areas where there are large populations of free-roaming cats: 50% of Ohio's white-tailed deer population is now infected with toxoplasmosis. It's now unsafe to eat venison from these animals unless it's cooked to a core temperature of at least 157 degrees F, or frozen to at least -21 degrees F for at least two weeks to destroy the infectious oocysts.

(8) In British Columbia some Inuit mothers have been afflicted with chronic miscarriages and birth defects after consuming toxoplasmosis-infected beluga meat. The prevalence of infection in belugas is such that Canadian health agencies now attempt to screen beluga for toxoplasmosis before allowing its consumption.

(9) Toxoplasmosis causes up to 5,000 stillbirths, blind, hydrocephalic, microcephalic, severely deformed and mentally debilitated infants in the US each year.

(10) *T. gondii* oocysts survive in seawater, which they enter with runoff into the nearshore marine environment, where they are taken up into the tissues of oysters, mussels, anchovies and sardines. Cetaceans, pinnipeds and otters from Arctic Canada to New Zealand and from the US Pacific Coast to the United Kingdom consume these contaminated organisms and die from it—by the thousands. Apparently all species of terrestrial mammals—and several bird species—are just as susceptible to toxoplasmosis as marine mammals.

(11) *T. gondii* oocysts contaminate above-ground rural and/or urban drinking water supplies if they're inadequately filtered--chlorination does not kill them. This has caused toxoplasmosis outbreaks in several regions.

(12) The oocysts can and do aerosolize. Inhalation or ingestion of one oocyst is sufficient to blind, permanently debilitate or kill a child, elderly or immuno-compromised person. Possibly one-fifth of the US population is infected with toxoplasmosis. A healthy immune system suppresses its symptoms. However, everyone's immune system will degrade with age, and the oocysts will still be present—toxoplasmosis infection is for life—there is no cure.

(13) I have mentioned only two of the more than three dozen deleterious and/or potentially fatal zoonotic diseases which cats carry—some others are bartonellosis, tularemia, leishmaniasis, MRSA, toxocariasis and plague. These diseases are more prevalent and infectious in regions with large stray and feral cat populations. My purpose in submitting this proposal in opposition to legalizing TNR or other worthless "no-kill" programs in my state is to prevent Alaska from becoming like those regions.

(14) Describing TNR as "worthless" is by no means an overly harsh assessment. Since the advent of this program in the US, two- and three-decades old feral colonies have become commonplace, for example in Washington DC and Disneyland (Anaheim). Even more telling, TNR was first

practiced in the UK. Despite a half-century of TNR, the British stray and feral cat population has more than doubled—from 4.1 million in 1965 to 9.1 million today.

**PROPOSED BY:** Frederick Minshall (EG-F17-067)  
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*Note: The Board of Game deferred this proposal from the 2016 Statewide Regulations Meeting. It was previously numbered Proposal 90.*

**PROPOSAL 64 – 5 AAC 92.029. Permit for possessing live game.** Eliminate domestic sheep (*Ovis aries*) and goats (*Capra hircus*) from the “Clean List” and require a permit for possession with stipulations if located within 15 air miles of all sheep habitat as follows:

(b) **Domestic sheep and goats will be removed from the “Clean List” regulation.**

**Any person in possession of domestic sheep (*ovis*) or goats (*capra*) must obtain a permit from the department within one year of implementation of this section. Animals located within 15 air miles of Dall sheep habitat must be contained within a Department approved facility (double fence, etc.) and certified disease free when testing becomes available. Animals located more than 15 miles from Dall sheep habitat will be issued a permit without stipulation online.**

**What is the issue you would like the board to address and why?** Domestic sheep and goats have been proven to carry diseases that are devastating to wild sheep populations. This proposal will be a good start to prevent the spread of disease into wild sheep populations. Hobby farming is growing rapidly in Alaska including areas that would be considered Dall sheep habitat. Entire populations of bighorn sheep are presently being eradicated due to these unintentional disease transmissions.

Justification:

- #1 We have a constitutional mandate to manage for sustained yield, this includes doing what we can to maintain healthy native wildlife populations.
- #2 Online permitting has become mainstream and is simple.

**PROPOSED BY:** Alaska Wild Sheep Foundation (HQ-C15-128)  
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## **Miscellaneous Topics**

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*Note: The Board of Game deferred this proposal from the 2017 Interior/Northeast Arctic Region Meeting. It was previously numbered Proposal 86.*

**PROPOSAL 65 – 5 AAC 85.025. Hunting seasons and bag limits for caribou; and 92.510. Areas closed to hunting.** Close an area ¼ mile on either side of the Taylor Highway to hunting during caribou season, and limit the number of permits as follows:

We would like to see no-shoot zone ¼ mile from each side of the road, so a ½-mile wide corridor, with the highway in the center, along the Taylor Highway and Boundary Cutoff Road. If not along the entire highway (which we would prefer) at minimum between the Walker Fork Bridge (Mile Post 82) and the Alder Creek Bridge (MP 115.4) and along the Boundary Cutoff.

We would like to see the number of permits for these hunts limited to a level that will allow managers and law enforcement to be able to effectively manage the hunt in a safe and sustainable manner.

**What is the issue you would like the board to address and why?** The fall Fortymile caribou hunt (RC860) along the Taylor Highway has become a very dangerous, wasteful, ugly, unethical, shooting gallery style of hunt. Resulting in numerous issues including:

-Hunters on ATVs run up and down the highway at high speeds (which is against state law) chasing after groups of caribou on or along the road (harassing animals is also against the law).

-Hunters commonly shoot animals on the highway, from the highway, across the highway and from their ATVs (all against the law). They'll see a group of caribou a ways off on or near the road, speed up to them, slam on their brakes and start shooting into the group. This happens often!

-Hunters along the road shoot down the road and at caribou sky lined on the road or just off the road, without any concern for safety of others, resulting in dangerous conditions for hunters and non-hunters alike along the Taylor Highway, especially in between the Walker Fork Bridge (MP 82) and the Fortymile River Bridge (MP 112.4) and along the Boundary Cutoff.

-Numerous pools of blood in the middle of the road, in this area, with no drag marks, during the fall 2015 season, prove these animals are being killed on the road. This was documented by state and federal managers and enforcement during the fall 2015 season.

-There is significant wounding loss from hunters flock-shooting from the highway, which has been documented by state and federal managers and law enforcement personnel. There were at least 12 caribou killed and left in this area in only a few days during the fall 2015 season, as documented by state and federal managers and law enforcement. And this is just what they were able to find.



-Each fall there are hundreds of people camped all across the high country along this stretch of highway, especially from the Y to MP 105. Garbage and animal remains litter the areas where the hunters camp when the hunters leave (littering is against the law).

-Dozens of gut piles litter the shoulder of the highway in this stretch and are occasionally left right in the middle of a pull-out or on the drivable surface of the road itself (this is against the hunt conditions for RC860 – thus illegal and can be verified by state and federal managers and law enforcement).

-During the fall 2015 season, my wife and I, while working in our garden, had bullets flying over our heads from people shooting at caribou on the road above our house. We also had caribou killed within a few hundred feet of our house that were shot by hunters shooting from the Fortymile River bridge toward our house. This hunt has put our lives and the lives of our dogs in danger, plain and simple, and has taken away our opportunity to hunt or even pick berries safely.

-Issuing over 3000 permits for this area is simply not manageable and not sustainable.

-While some may argue many of these things are already against the law, so much of it is happening that managers and enforcement officers cannot even come close to keeping up with all of this. It is uncontrollable and with dwindling enforcement presence due to state budget problems, the problem will only get worse.

The herd, the country, and those of us who live here can't take much more of this, changes need to be made.

**PROPOSED BY:** David Likins (EG-F16-027)  
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**PROPOSAL 66 – 5 AAC 92.005. Policy for changing board agenda.** Update the Board of Game’s policy for accepting agenda change requests to make it more consistent with the Joint Board Petition Policy as follows:

**5 AAC 92.005. Policy for changing board agenda.**

(a) The Board of Game (board) may change the board's schedule for considering proposed regulatory changes in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) an agenda change request must be to consider a proposed regulatory change outside the board's published schedule and must specify the change proposed and the reason the proposed change should be considered out of sequence. An agenda change request is not intended to address proposals that could have been submitted by the deadline scheduled for submitting proposals;

(2) the board will accept an agenda change request only

(A) [FOR A CONSERVATION PURPOSE OR REASON;] **repealed;**

(B) to correct an error in a regulation; [OR]

(C) to correct an effect of a regulation that was unforeseen when a regulation was adopted; **or**

**(D) if the request identifies a biological concern for the population or a threat to meeting objectives for the population;**

**(E) if the request identifies an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f);or**

**(F) if the request identifies an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future;**

(3) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;

(4) a request must be received by the executive director of the boards support section [AT LEAST 60 DAYS BEFORE THE FIRST REGULARLY SCHEDULED MEETING] **by November 1<sup>st</sup> of that year;**

(5) if one or more agenda change requests have been timely submitted, the board shall meet to review the requests within 30 days following the submittal deadline in subsection (4), and may meet telephonically for this purpose;[.]

**(6) when considering an agenda change request, the board should take into consideration 5 AAC 96.625(d) and 5 AAC 96.625(e);**

**(7) if the board accepts an agenda change request, the board will develop and consider proposals for all agenda change requests for those specified regulations.**

(b) The board may change the board's schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal agencies, programs, or laws.

**What is the issue you would like the board to address and why?** The criteria for Agenda Change Requests (ACRs) is vague. This has resulted in inconsistency in acceptance of requests and acceptance of requests that do not need to be addressed out of cycle. Out of cycle proposals are not afforded the full process for advisory committee and public review and comments. It is also confusing for the public to know when an ACR is appropriate. The Department of Fish and Game has provided this proposal to allow the board to address those issues.

Amending the regulation to put it in closer alignment with the Joint Board Petition Policy is one way to ensure that the full Board of Game process for public input and comment is used for all proposals that do not need to be addressed out of cycle.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F17-031)  
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**PROPOSAL 67 – 5 AAC 92.003 Hunter education and orientation requirements; 92.012. Licenses and tags; 92.039. Permit for taking wolves using aircraft; 92.044. Permit for hunting bear with the use of bait or scent lures; 92.052. Discretionary permit hunt conditions and procedures; 92.072. Community subsistence harvest hunt area and permit conditions; 92.130. Restrictions to bag limit; and 5 AAC 92.530, Management areas.** To comply with recent statutory changes, review and update regulations with minimum hunting age requirements as follows:

The Department of Fish and Game (department) recommends the Board of Game (board) examine the age requirements of all existing regulations given action taken by the legislature to raise the minimum age requirement for Alaska residents to purchase licenses from 16 to 18 years of age. Some of the age requirements in regulation are region specific and the board may prefer to deal with those at the appropriate regional meeting, however they are shown below to illustrate all of the age requirements currently in regulation.

**5 AAC 92.003. Hunter education and orientation requirements.** (a) Beginning August 1, 2002, a person born after January 1, 1986 that is

(1) required to have a hunting license must have successfully completed a certified hunter education course in order to hunt in Units 7, 13, 14, 15, and 20;

(2) not required to have a hunting license, and who has not successfully completed a certified hunter education course, must, in order to hunt in Units 7, 13, 14, 15, and 20, be under the direct immediate supervision of a licensed hunter who

(A) is **18** [16] years of age or older and has successfully completed a certified hunter education course; or

(B) was born on or before January 1, 1986

(b) notwithstanding (a) of this section, A resident hunter who is 10 through 17 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 a permit holder who is at least **18** [16] years of age, under the direct immediate supervision of that permit holder, who is responsible for ensuring that all legal requirements are met.

**5 AAC 92.012. Licenses and tags.** (a) No hunting or trapping license is required of a resident under the age of **18** [16]. An appropriate license and big game tag are required of nonresidents, regardless of age, for hunting and trapping. No person **18** [16] years of age or older may take waterfowl unless that person has a current, validated, federal migratory bird hunting stamp or "duck stamp" in possession.

**5 AAC 92.039. Permit for taking wolves using aircraft.**

(d) The department may apply any of the following conditions to a permit issued under this section:

...

(7) the department may require an applicant for a permit to possess minimum qualifications, including

...

(E) that the applicant is at least **18** [16] years old;

**5 AAC 92.044. Permit for hunting bear with the use of bait or scent lures.**

...

(b) In addition to any condition that the department may require under 5 AAC 92.052, a permit issued under this section is subject to the following provisions:

...

(3) a person must be at least **18** [16] years of age to be issued a permit;

**5 AAC 92.052. Discretionary permit hunt conditions and procedures.** The department may apply any or all of the following additional conditions to a permit hunt, when necessary for management of the species hunted:

...

(15) the permit applicant must hold a valid Alaska hunting license; however, this does not apply to a resident under the age of **18** [16]; an applicant's hunting license number must be entered on the permit application; a resident under the age of **18** [16] shall enter his or her age instead of a license number;

**5 AAC 92.072. Community subsistence harvest hunt area and permit conditions.**

...

(c) If the board has established a community harvest hunt area for a big game population, residents of a community or members of a group may elect to participate in a community harvest permit hunt in accordance with the following conditions:

(1) a person representing a group of 25 or more residents or members may apply to the department for a community harvest permit by identifying the community harvest hunt area and the species to be hunted, and by requesting that the department distribute community harvest reports to the individuals who subscribe to the community harvest permit; the community or group representative must

(A) provide to the department the names of residents or members subscribing to the community harvest permit and the residents' or members' hunting license numbers, permanent hunting identification card numbers, or customer service identification numbers, or for those residents or members under **18** [16] years of age, the resident or member's birth date;

**5 AAC 92.122(b)(4)(D)(vii). Unit 16 Intensive Management Plan.**

(vii) taking of bears by foot snaring by permit only from April 15 through October 15; permittees must be accompanied by another person, age **18** [16] or older, when conducting foot snaring activities in the field; foot snaring permits will be issued at the discretion of the

department based on previous trapping experience, ability to help train other participants, and length of time available for participation in a snaring program; a selected foot snaring permittee must successfully complete a department-approved training program, must be a resident **18** [16] years of age or older, and report all animals taken by the permittee to the department within 48 hours of taking;

**5 AAC 92.130. Restriction to bag limit.**

(e) A hunter who is under 10 years of age may take big game only under the direct, immediate supervision of a licensed hunter who is at least **18** [16] years of age. The supervising hunter is responsible for ensuring that all legal requirements are met. The big game animal taken will count against the supervising hunter's bag limit. This section does not relieve an individual from complying with big game tag requirements, but does require a supervising hunter to validate the hunter's harvest ticket, or permit, in accordance with 5 AAC 92.010, immediately following the taking of big game under this section.

**5 AAC 92.530. Management Areas.**

(6) Skilak Loop Wildlife Management Area:

(A) the area consists of that portion of Units 15(A) and 15(B) bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop Road (milepost 58), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Loop Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway (milepost 75.1), then easterly along the Sterling Highway to the point of origin;

AAC 92.530(6)(B) is repealed and readopted to read:

(B) the area is closed to hunting and trapping, except that:

(i) moose may be taken by permit only;

(ii) small game may be taken by:

(a) falconry or bow and arrow only from October 1 through March 1;

and

(b) standard .22 caliber rimfire firearm and shotgun only, in that portion of the area west of a line from the access road from the Sterling Highway to Kelley Lake, the Seven Lakes Trail, and the access road from Engineer Lake to Skilak Lake Road, and north of Skilak Lake Road, during each Saturday and Sunday from November 1 through December 31 and the Friday following Thanksgiving day, by youth hunters **18** [16] years old or younger accompanied by a licensed hunter 18 years old or older who has successfully completed a certified hunter education course if the youth has not successfully completed a certified hunter education course;

(iii) wolf, coyote, and lynx may be taken under applicable hunting regulations from November 10 through March 31, except within 1/4 mile of the Engineer, Kelly, Petersen and Hidden Lake campgrounds and within 1/4 mile of boat launches.

(C) a firearm may not be discharged within one-quarter mile of any campground;

...

(30) the Hatcher Pass Youth Hunt Management Area:

(A) the area consists of that portion of Unit 14(A) within the upper Little Susitna River drainage upstream of mile 13.6 on Hatcher Pass Road (Gold Mint Trail parking area) and ¼ mile away from the road including Archangel and Fishhook Creeks, and upper Little Susitna River drainages. Also, portions of the upper Willow Creek drainage upstream of the confluence of Willow and Craigie Creeks, including Grubstake Gulch and Homestake Creeks, Summit Lake, and Bullion and Skyscraper Mountains. There is no discharge of firearms allowed within ¼ mile of the road.

(B) from August 10 to August 25, the area is closed to small game hunting except that small game may be taken by a youth hunter **18** [16] years old or younger accompanied by a licensed hunter 18 years old or older who has successfully completed a certified hunter education course if the youth hunter has not successfully completed a certified hunter education course.

**What is the issue you would like the board to address and why?** There are 13 places in regulation that refer to licensed hunters, hunters, and permit holders 16 years of age. Effective January 1, 2017, the Alaska legislature changed the minimum age requirement for Alaska residents to purchase a hunting, trapping, and fishing license from 16 to 18 years of age, which put these 13 places in regulation in contradiction with the statutes. In some cases the conflicting ages may be appropriate, in many cases the age in regulation appears to have been driven by the license requirement only. The proposed changes to 5 AAC 92.012, 5 AAC 92.052, and 5 AAC 92.072 must be made in order for board regulations to be in compliance with the recent statutory changes. All of the other changes in this proposal are at the board’s discretion.

For most of the identified regulations the department has little data, if any, regarding the number of people that may be impacted by this change. Some of the regulations are not currently used, for example, bear control in Unit 16 is not currently being implemented, so the change would not impact anyone because there are no participants.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F17-029)  
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**PROPOSAL 68 – 5 AAC 92.XXX. New regulation.** Create a new regulation to allow season openings and increased hunting opportunities in-season by emergency order as follows:

Create regulation that will allow ADF&G to open or increase hunting opportunities in-season based on best available science when additional harvest can be supported.

**What is the issue you would like the board to address and why?** Biologists within ADF&G should have the ability to adjust harvest by opening or closing seasons during the regulatory year by Emergency Order (EO), based on in-season information. Currently, ADF&G can only close seasons. A mechanism should be in place to allow opening of hunting opportunities when game populations can support additional harvest.

**PROPOSED BY:** Dave Lyon (EG-F17-108)  
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**PROPOSAL 69 – 5 AAC 92.003. Hunter education and orientation requirements.** For all antler restricted hunts, require hunters to view an educational video for identifying legal moose as follows:

All moose hunters in areas with antler restrictions must watch an ADF&G video on how to judge moose.

**What is the issue you would like the board to address and why?** As has been made obvious by moose antler sealing requirements in Units 7 and 15 many hunters have difficulty judging legal moose when faced with 50-inch antler restrictions. All hunters in units with antler restrictions should be better educated in judging moose. This issue cannot be unique to the Kenai Peninsula. Regulations in areas with antler restrictions should be uniform throughout the state.

**PROPOSED BY:** Homer Fish and Game Advisory Committee (EG-F17-107)  
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