

Falconry

PROPOSAL 108

5 AAC 92.037. Permits for falconry.

Increase opportunity for nonresident take for certain eyas raptors for falconry as follows:

5 AAC 92.037 (g)(5)(7)(8). Taking, transporting, or possessing a raptor for falconry by a nonresident, conditions:

Alaska Falconers Association (AFA) is requesting that the Board of Game allow additional opportunity for nonresident falconers to take eyas Northern Goshawks statewide and eyas Peale's Peregrine Falcons from Units 1 - 4. AFA is submitting this proposal at the request of nonresident and Alaska resident falconers to allow additional nonresident opportunity to take these two species.

Current regulation, 5 AAC 92.037(g)(5), up to five permits for taking, transporting, or possessing a raptor for falconry by a nonresident shall be issued annually by the department;

Current regulation. 5 AAC 92.037(g)(7); "take is limited to one passage, hatching-year, raptor; "

Current regulation, 5 AAC 92.037(g)(8): The annual nonresident season for acquiring a passage raptor is from August 15 – October 31;

The new regulations would read:

5 AAC 92.037(g)(5), up to five permits for taking, transporting, or possessing a passage raptor for falconry; up to five permits for taking, transporting, or possessing an eyas Northern Goshawk for falconry statewide, and up to five permits for taking, transporting, or possessing an eyas Peale's Peregrine Falcon, from Units 1-4, for falconry by a nonresident shall be issued annually by the department; applicants can only apply for one type of permit and must specify whether they are applying for a passage permit, an eyas Northern Goshawk permit, or an eyas Peale's Peregrine Falcon permit at the time of application.

5 AAC 92.037(g)(7): Take is limited to either one passage, hatching-year, raptor, one eyas Northern Goshawk statewide, or one eyas Peale's Peregrine Falcon from Units 1-4.

5AAC 92.037(g)(8): The annual nonresident season for acquiring a passage raptor is from August 15 – October 31; The annual nonresident season for acquiring an eyas Northern Goshawk statewide or an eyas Peale's Peregrine Falcon, (from Units 1-4), is from May 1 – July 20;

What is the issue you would like the board to address and why? Provide additional opportunity for nonresident falconers.

The AFA is asking the Board of Game to allow additional opportunity for nonresident falconers by allowing the take of certain eyas raptors. An eyas raptor is a bird that has hatched from the egg but has not fledged. At least one eyas raptor must be left in the nest per the current regulation pertaining to resident falconers. AFA requests that this regulation as it applies to resident falconers, also apply to nonresident falconers.

AFA is requesting that the Board of Game authorize “up to” five eyas Northern Goshawk permits statewide, and “up to five eyas Peale’s Peregrine Falcon permits from Units 1- 4, for nonresident falconers by drawing permit. Under 5 AAC 92.037(g)(8), the season dates for eyas Northern Goshawks, and eyas Peale’s Peregrine falcon take is recommended to be from May 1 - July 20. (These dates are based on published scientific data documenting average hatching dates and fledge dates for these two species across their range.)

Because of the concern for the wellbeing of Alaska’s Gyrfalcons and to eliminate any accidental take of eyas Gyrfalcons, Peale’s Peregrine Falcon take by permit would only apply to Units 1-4. According to both ADF&G and US Fish and Wildlife Service (USFWS) raptor biologists, there is a small possibility that there are gyrfalcon nesting sites in Units 1-4. Most importantly, days old or weeks old Gyrfalcon chicks are difficult to tell apart from like aged Peregrine falcon chicks, except by the most experienced biologists and falconers. By restricting Peale’s Peregrine eyas take to these units, we would significantly reduce the potential that a Gyrfalcon eyrie would be targeted by mistake.

Raptor biologists report that Northern Goshawks are considered to have a healthy and stable population statewide and Peale’s Peregrine falcons maintain a healthy, low density, population in Units 1-4.

Saint Lazaria Island located in Sitka Sound is designated a Wilderness area by the USFWS. This island supports a highly researched and viewed seabird nesting population. The required landowner permission required by regulation to take an eyas raptor would not be granted by the USFWS for Saint Lazaria Island. AFA would request that this Island be closed in regulation for the taking of eyas Peale’s peregrine falcons.

PROPOSED BY: Alaska Falconers Association (EG-F19-153)

PROPOSAL 109

5 AAC 92.037(h). Permits for falconry.

Modify the microchip requirements for live raptors exported from Alaska by nonresidents as follows:

Current regulation: 5 AAC 92.037(h) all live raptors exported from the state, including propagated birds, must be microchipped.

Proposed regulation: 5 AAC 92.037(h) all wild caught live gyrfalcons exported from the state by a nonresident must be microchipped and the microchip must be registered with an internationally recognized microchip registry such as (Petlink). Proof of microchip registration must be submitted to the department within 90 days after export. Failure to provide proof of registration to the department makes the individual ineligible to receive a future permit under 5 AAC 92.037(g).

What is the issue you would like the board to address and why? Microchip requirements for raptors exported from the State of Alaska.

Current regulations require that all raptors including propagated birds must have a microchip implanted prior to being exported from the State of Alaska. This regulation was enacted by the Board of Game at its last Statewide Regulations meeting dealing with “permits for falconry” issues as a result of a proposal submitted by the Alaska Falconers Association (AFA). The proposal language and intent and was significantly changed by the Board of Game (board) to be more inclusive. There was testimony presented to the board for the reasoning behind the request by AFA for the need to microchip large falcons that are taken under a nonresident capture permit and exported from the state.

The current regulation does not require that the microchip be entered into an international registry. AFA believes that this important requirement was overlooked at the time and is requesting a “house cleaning” measure to provide a means for tracking the microchip once it is deployed.

During deliberations, the board expanded the original intent of the proposal from, “microchip requirements for the export of large falcons (Peregrine falcons and Gyrfalcons) taken by nonresident permit holders, to all raptors exported from the state by both nonresident and resident falconers. This expansion also included raptors exported by breeders under a propagation permit.

The current regulation is overburdensome and should be amended to only include the highly valuable wild caught Gyrfalcons exported from the state by a nonresident under a permit issued by the department. Alaska raptors that are commonly used for falconry (except Gyrfalcons) are readily available to falconers in the continental United States, and propagation birds are highly regulated under the federal system, AFA feels that the board should remove all species of raptors from the microchip requirement except wild caught Gyrfalcons exported by a non-resident under this section.

AFA is also requesting that the microchip be registered with an internationally recognized microchip registry such as “Petlink” within 90 days of the take of the Gyrfalcon. Failure to provide proof of registration to the department within the time frame listed above will make the permit holder ineligible to apply for a future permit under this section.

Since the inception of the nonresident capture permit regulation in 2014 which allowed up to five permits for passage raptors, ADF&G issued three permits per year for the first three years and five permits per year for the last two years. Nonresidents have taken a total of eleven birds under this program. Ten Gyrfalcons and one Northern Goshawk have been captured and exported from the State of Alaska. In the past two years since the inception of the current regulation, six exported birds (all Gyrfalcons) have been microchipped. Gyrfalcons are still the bird of choice for both falconers and breeders who participate in the nonresident take program. Gyrfalcons continue to have a stable low density population in Alaska. Gyrfalcons are highly valued raptors and due diligence would dictate that wild birds that are taken from Alaska should be protected in a way that helps maintain the bird in its wild status. Microchipping this species aides significantly in this protection. Current regulation dictates that a wild caught raptor is always wild and can never be legally sold.

If a microchipped wild Alaska sourced bird is recovered, it will provide a valuable tool for law enforcement for their investigative efforts. If an Alaska sourced bird is lost or stolen, the microchip would be an invaluable tool in returning the recovered bird to its owner.

In the exotic bird industry, valuable species such as parrots, macaws, cockatoos, toucans and mynahs are microchipped to prove ownership and stem illegal trade. These birds are chipped by breeders and when acquired from the wild. Gyrfalcons are the same size or in many cases larger and more robust than most of these species of exotic birds.

AFA also considered the possibility of requiring a DNA test instead of the microchip. Although this test would conclusively prove identity of an individual bird, this option was put aside, because there is no central registry for DNA sampling and if a bird was recovered by law enforcement or was lost and recovered by a non-owner, the bird and owner could not be readily identified.

PROPOSED BY: Alaska Falconers Association (EG-F20-003)

PROPOSAL 110

5 AAC 92.037. Permits for falconry.

Extend the nonresident season for acquiring passage raptors as follows:

This proposal seeks to modify the nonresident season for acquiring a passage raptor as follows:

5 AAC 92.037(g)(8). Permits for falconry.

Current regulation: The annual nonresident season for acquiring a passage raptor is from August 15th to October 31st

Proposed regulation: The annual nonresident season for acquiring a passage raptor is from September 15 to November 15.

What is the issue you would like the board to address and why? Change the season dates for nonresident falconers to take passage raptors by permit.

The Alaska Falconers Association (AFA) proposes to change the nonresident season dates to acquire a passage raptor to better align the time of taking with the dispersal timing of Gyrfalcons from their natal areas, and to reduce the disturbance of nesting sites especially those nest sites located north and west of the Brooks Range.

This proposal is requesting the same season date changes that the Department of Fish and Game (ADF&G) recommends in their proposal to the Board of Game on this subject.

The nonresident season dates were established in 2015 to provide opportunity to take all legal falconry species after they leave their natal area (i.e. passage bird), including smaller species that disperse in August. ADF&G records show that to date, ten Gyrfalcons and one Northern Goshawk have been taken by nonresident falconers. There appears to be little interest in taking other legal passage falconry species by nonresidents since most of those species are available in the continental United States. Further, individuals of all legal falconry species either remain in Alaska year long or remain in Alaska through mid-September and would remain available for nonresident falconers even with the change in season dates.

The following information that has been compiled by ADF&G represents data published by Gyrfalcon researchers:

Gyrfalcons depart their natal area in Alaska in early September (median=27 August, range 15 August – 6 September., n=20, Seward Peninsula and Denali National Park, McIntyre et al. 2009; median=12 September, n=2, Yukon Kuskokwim Delta; Eisaguirre et al. 2014). Current nonresident season dates allow recently fledged young that have not yet left their natal areas to be taken for approximately three weeks.

This is a conservation concern because there is substantial legal and illegal interest in obtaining white Gyrfalcon nestlings. These birds are extremely valuable through legal captive breeding and illegal falconry trades. Having a passage season for nonresident falconers that allows take at or near Gyrfalcon nests incentivizes the sharing of sensitive nest site locations as well as the disturbance of these birds during a sensitive time in their life cycle. Further, most of this attention is focused on white birds that constitute less than 10% Alaska’s Gyrfalcon population and hence, taking a conservative approach to season dates is appropriate for such a small population of birds (n < 100) to ensure sustained yield into the future.

In addition, this proposal asks the Board of Game to extend the season dates later by fifteen days to allow additional opportunity for nonresident falconers to access transient passage Gyrfalcons migrating through road accessible areas of Western Alaska.

PROPOSED BY: Alaska Falconers Association (EG-F20-024)

PROPOSAL 111

5 AAC 92.037. Permits for falconry.

Limit nonresident take of raptors to one bird every four years and limit unsuccessful permittees from applying the following year as follows:

Proposed regulation: 5 AAC 92.037(g)(5). Up to five permits for taking, transporting, or possessing a raptor for falconry by a nonresident shall be issued annually by the department. If a permittee successfully takes a raptor, that person would be ineligible to take another raptor for four calendar years.

If an applicant draws a nonresident capture permit, that applicant, if unsuccessful, will be ineligible to apply for a nonresident capture permit the following year.

What is the issue you would like the board to address and why? 5 AAC 92.037(g)(5). Up to five permits for taking, transporting, or possessing a raptor for falconry by a nonresident shall be issued annually by the department:

This proposal requests that the Board of Game (board) place a limit on raptors to allow a take of one raptor every four years by a nonresident. This request will prevent a falconer who successfully takes a raptor from applying for another permit for four years.

The proposer also requests that the board require that: “if an applicant draws a nonresident capture permit, that applicant, if unsuccessful, will be ineligible to apply for a nonresident capture permit the following year. This language is currently applicable for all other big game drawing permits the state administrators.

Gyrfalcons in Alaska maintain a low-density population. Two published studies estimate 300 to 500 breeding pairs statewide. Gyrfalcons have been targeted almost 100 percent of the time by nonresident falconers and since the inception of the nonresident permit system in 2014, ten gyrfalcons and one northern goshawk have been taken by nonresident falconers during the first five years of the program. Two specific individuals have drawn two permits and have taken two Gyrfalcons in five years, and one individual has drawn three permits and has taken 3 raptors which include two gyrfalcons and one northern goshawk in five years. The chance of an applicant drawing a nonresident capture permit is about 1 in 5. Alaska Falconers Association (AFA) has had numerous contacts with unsuccessful applicants asking that the State implement a system that limits successful applicants to one gyrfalcon every four years. Gyrfalcons are highly sought after birds by both breeders and falconers alike. The “one in four” management method is used in several areas by department managers when there is a reason to create opportunity for as many applicants as possible

The Board of Game’s stated intent when nonresident take was implemented in 2014, was to give the nonresident falconer an opportunity to capture a raptor from a species that does not normally occur in the continental United States, and use that raptor as a falconry bird.

Up to five permits for passage, hatch year raptors will still be issued by the department. This proposed request from AFA will spread out the available opportunity, allowing different nonresident falconers an opportunity take a raptor from Alaska.

PROPOSED BY: Alaska Falconers Association (EG-F20-039)

PROPOSAL 112

5 AAC 92.037. Permits for falconry.

Increase nonresident opportunity for acquiring raptors as follows:

5 AAC 92.037 (g)(5) up to five permits for taking, transporting, or possessing a raptor for falconry by a nonresident shall be issued annually by the department to

Nonresident take permits for raptors shall have the same quotas as resident take

(7) take is limited to one passage, hatching-year raptor; to take is limited to two raptors either eyes or passage, hatching- year-raptors;

Include all raptors in section (f) for nonresidents.

What is the issue you would like the board to address and why? This proposal is a request to modify existing Alaska provisions regulating nonresident harvest of raptors in order to ensure reasonable access to a healthy resource and provide equal opportunity for all interested parties. We

anticipate the following will fulfill falconry demand for the foreseeable future while remaining well below sustainable harvest numbers consistent with scientifically sound principles:

Adopt the same raptor take season for nonresidents as has been adopted for Alaska residents.

Allow nonresidents to take eyas as well as passage birds of all other falconry raptors with no quotas. Eyas harvest improves the survival of the eyas itself as well as the siblings.

Harvest limit of two birds, depending on the falconer's ability to take two raptors during the previous 12-month period. This is currently the federal and state law. Birds with quotas should be limited to one tag per applicant, after the draw period is over any unissued tags should be available at the counter on a first come first serve basis.

Peregrine harvest would be 20-30 nestling ("eyas") or juvenile ("passage," i.e., first year immature birds) peregrine falcons. This is based on the recommended harvest of peregrines by the US Fish and Wildlife Service (USFWS) environmental assessment (EA) 2008 in Alaska of 41 birds.

Nonresident Gyro falcon harvest should be based on the same rules for resident harvest. There is only one place in the United States for a falconer to harvest a Gyro falcon eyas, and that is Alaska. This resource should be available to any falconer who is a United States citizen.

Arguably the most desirable falcon for nonresident take is the peregrine falcon. Alaska populations have always been robust and since the *anatum* subspecies was removed from the endangered species list in 1999 it is considered fully recovered beyond all expectations throughout the U.S. As a result the USFWS conducted an EA in 2008 on the take of peregrine falcons for use in falconry. Based on this EA, the USFWS originally limited the take of the EA published a very conservative allocation of take of peregrines in 2009 through 2017 of 36 passage peregrine falcons anywhere in the United States east of 100 degrees West longitude. See 73 FR 74508, December 8, 2008. The USFWS based this figure on a management strategy "[w]hich incorporated three important safeguards to ensure against negative impacts from authorized falconry take on peregrine falcons across their range." The same EA, which was agreed to by the states, allows for the harvest of 41 in Alaska of which only a small percentage are harvested each year. The USFWS has since published updated findings and regulations which increased the take limit for passage peregrines by five (5) times, to 144 peregrine falcons, based on new available evidence of the actual robust peregrine breeding populations in Alaska, Canada, and lower 48 states. See Vol. 82, No. 174 FR 42700, September 11, 2017.

In order to provide maximum opportunity for both resident and nonresident falconers we propose a minimum of 25 nonresident permits plus the following method of selection for the distribution of additional permits that are unwanted by resident falconers:

Multiply by two the average quantity annually harvested by resident falconers over the prior three years. Deduct the three-year average from the allowable harvest of 41 and this would be the number of additional permits available to nonresident falconers.

The proposed nonresident take level for peregrines is a very conservative number and the harvest of this quantity is far below any measurable amount. The other more desirable raptor is the gyrfalcon which has never been endangered or threatened and is plentiful in Alaska, thus we

believe no quota is necessary. Should a quota be required on the gyrfalcon for nonresident harvest we believe that 40 would be sufficient to satisfy the demand given the limited number of licensed falconers in the lower 48.

Historically, in 2011 the American Falconry Conservancy (“AFC”) drafted a proposal (P40) with the assistance of several Alaska falconers to allow nonresident take of raptors, and we submitted the proposal to the Alaska Board of Game (BOG). During the 2012 statewide meetings cycle, BOG received a substantial amount of testimony and comment on the proposal. The science- and legal based testimony reasoned that the Alaska raptor resource was healthy, and that there was no justification for not allowing nonresident take of raptors. Testimony included Alaska Department of Fish and Game (ADF&G) summaries of raptor numbers, the manner in which USFWS derived their conservative 5% take levels, the support of both resident and nonresident falconers, the concerns of a few Alaska resident falconers, and discussions on all of the concerns. At the January 2012 meetings, the BOG decided to defer their decision on P40 until the 2014 cycle.

During the 2014 cycle, the BOG resumed their discussions on nonresident take of raptors (P40 renumbered P174) and adopted ultra conservative provisions. The BOG allowed for the issuance of five nonresident take permits annually and placed a tight restriction on the take season, especially for peregrines. Federally, Alaska peregrines may only be taken as juveniles during a season that ends on September 31, and the Alaska provisions do not allow nonresidents to take peregrines until September 15. This allows nonresidents only a two-week window to harvest peregrines.

Additionally, despite ADF&G’s recommendation to allow seven nonresident permits annually, including eyases (See P174 A (RC72) of the March 2014 board meetings), and the BOG’s decision to allow five nonresident permits, ADF&G limited their permit issuance to only three in 2014. It was noted by ADF&G that their original seven permit recommended limit was based on a percentage of what Alaska resident falconers harvest, not on resource sustainability.

During the 2016 cycle, the BOG declined to approve a proposal to modify the nonresident permit regulations citing a preference to wait until the next review cycle. Subsequent to this cycle, the ADF&G did opt to allow issuance of the five permits authorized by the BOG.

The following documents are applicable to this proposal and are incorporated by reference:

1. AFC Written Testimony at January 2012 BOG Meetings (RC22).
2. ADF&G Presentation on Falconry at January 2012 BOG Meetings (RC24).
3. ADF&G Proposal 40 Presentation at January 2012 BOG Meetings (RC62).
4. ADF&G Presentation on Proposal 40 and Alaska Raptor Populations at January 2012 BOG Meetings (RC125 & RC126).
5. ADF&G Preliminary Recommendations on Proposals for January 2012 BOG Meetings.
6. December 29, 2011 Memorandum from AAG, Kevin Saxby to BOG.
7. Kodiak AC Comments on Proposals at January 2012 BOG Meetings (AC27)

8. February 17, 2012 Letter from AFC to BOG, Follow-up to January 2012 BOG Meetings.
9. ADF&G Proposal 174 A at March 2014 AKBOG Meetings (RC72).
10. Kodiak AC Comments on Proposals at March 2014 BOG Meetings (AC13
11. March 24, 2014 Letter from AFC to BOG re March 2014 Meeting Decision on Non-resident Take of Raptors.
12. April 24, 2015 Letter from AFC to BOG re Proposal to increase the allowable harvest of raptors by nonresident falconers
13. Final Revised Environmental Assessment, Management Plan, and Implementation Guidance: Take of Nestling American Peregrine Falcons in the Contiguous United States and Alaska for Use in Falconry, USFWS, March 2004.
14. Final Environmental Assessment: Take of Raptors From the Wild Under the Falconry and the Raptor Propagation Regulations, USFWS, June 2007.o
15. Final Environmental Assessment and Management Plan: Take of Migrant Peregrine Falcons From the Wild For Use in Falconry, and Reallocation of Nestling/Fledgling Take, USFWS, August 2008.
16. Migratory Birds; Take of Peregrine Falcons for Use in Falconry. Vol. 82, No. 174 FR 42700, September 11, 2017.

AFC thanks the Alaska Board of Game for their consideration and we continue to offer our assistance in this important matter.

PROPOSED BY: American Falconry Conservancy (EG-F20-040)

PROPOSAL 113

5 AAC 92.037. Permits for falconry.

Modify the regulations for nonresident take of raptors for falconry including increased number of nonresidents permits and expansion of the season to year-around as follows:

This proposal would amend the current regulations on nonresident raptor take for falconry in *Sections 37 (g) (1) (5) (7) (8)* as follows:

- Section 37 (g) (1) - Clear up ambiguous language about what ‘permit’ is necessary for take.
- Section 37 (g) (5) - Delete current language. Add specific language allowing an annual maximum of five permits for a gyrfalcon, five permits for a peregrine falcon and five permits for any other legally authorized raptor. This totals to a maximum annual number of permits of 15.

- Section 37 (g) (7) - Delete current language restricting take to only passage raptors. This allows take of either eyas or passage raptors as per the Alaska Falconry Manual Part 34 - Taking of Raptors “An eyas or passage bird may be taken any day of the year.”

- Section 37 (g) (8) - Delete current language entirely which defines a ‘season’ for passage raptor take. This allows take of raptors any day of the year as per the Alaska Falconry Manual Part 34 - Taking of Raptors “An eyas or passage bird may be taken any day of the year.”

The draft regulatory language is as follows:

(g) The taking, transporting, or possessing a raptor for falconry by a nonresident is allowed under the following conditions:

(1) **a valid, current falconry permit from the nonresident’s home state** and a valid, current nonresident hunting license is required for submitting an application, taking, transporting, possessing, and transferring a raptor to another state's falconry program;

(2) the nontransferable permit will be issued under standards, procedures and conditions set out in the Alaska Falconry Manual No. 10, dated July 1, 2018; that manual, including its conditions related to nonresident take, is hereby adopted by reference;

(3) take is limited to nonresidents who are citizens of the United States;

(4) only the raptor species listed under (f) of this section are eligible for nonresident take;

(5) **the department shall issue annually: up to 5 permits for a gyrfalcon (Falco rusticolus); up to 5 permits for a peregrine falcon (Falco peregrinus); and up to 5 permits for any other raptor species listed under (f) of this section** [UP TO FIVE PERMITS FOR TAKING, TRANSPORTING, OR POSSESSING A RAPTOR FOR FALCONRY BY A NONRESIDENT SHALL BE ISSUED ANNUALLY BY THE DEPARTMENT];

(6) a targeted hunt system will be used to determine permit winners if the number of applicants exceeds the number of permits available;

(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? 5 AAC 92.037. Permits for falconry.

Remove unnecessarily restrictive and complicated regulations on nonresident raptor take for falconry. Increase the number of nonresident permits from five to 15.

The issue with the current regulations is that nonresident raptor take for falconry is unnecessarily restrictive and complicated.

Currently, Section 37 (g) has the following nonresident limitations:

- Section 37 (g) (5) limits nonresident permits to 5 for any of the 25 possible indigenous raptor species allowed for take in section 37 (f).
- Section 37 (g) (7) limits take to one passage, hatching-year raptor. A 'passage' raptor being one that has fledged and is surviving on its own.
- Section 37 (g) (8) sets a nonresident 'season' for acquiring a passage raptor from August 15 - October 31.

Section 37 (a) makes clear that a nonresident permit is to be issued under the following conditions:

“The permit will be issued under standards, procedures, and conditions set out in the Falconry Standards section of the Alaska Falconry Manual No. 10, dated July 1, 2018; that section of the falconry manual is hereby adopted by reference.”

The following conditions for resident falconry take come from the Alaska Falconry Manual, Alaska Falconry Standards Section, Part 34 - Taking of Raptors:

- Only an individual with a valid, **current Alaska falconry permit or non-resident take permit** and a valid, current Alaska hunting license, excluding temporary permits, may take a raptor from the wild in Alaska.
- Take of any raptor species must be in compliance with these standards.
- **An eyas or passage bird may be taken any day of the year.**
- Except for American kestrel, great horned owl, and subadult golden eagle, a raptor over one year of age may not be taken.
- An actively breeding bird, including one in immature plumage, may not be taken.
- An eyas may be taken only by a general or master class falconer; at least one eyas must be left in the nest or eyrie from which a bird is removed.
- A permittee may not intentionally capture a raptor of a species not allowed by his or her classification for possession for falconry.
- A permittee unintentionally or otherwise capturing a raptor not allowed must release it immediately.

This proposal will amend and eliminate unnecessarily restrictive and complicated regulations by simply **defaulting the nonresident take conditions to those of all resident falconers** as currently outlined in the Alaska Falconry Manual.

Under the new proposed regulations:

- a nonresident falconer would be able to take a raptor under the exact same standards, procedures, and conditions as a resident falconer. This allows that an eyas or passage bird may be taken any day of the year.
- the maximum annual number of permits would be increased from 5 to 15.
- to better manage the take of the gyrfalcon and the peregrine falcon, the permits would be allocated in 3 separate groups – 5 permits for a gyrfalcon, 5 permits for a peregrine falcon and 5 permits for any other legally authorized raptor.

The benefits of these proposed regulations include:

- An increased chance of obtaining a permit for the raptor of one's choice.
- The full year opportunity for planning and making a trip to Alaska for capture.
- Access for capture of passage raptors during times of the year that is not life-threatening to the permittee.
- Access to eyas raptors. An 'eyas' raptor is one that is not fully grown or very recently fully grown. The benefits of eyas take include:
 - Being able to raise and train a bird that is very tame and tractable.
 - Gives falconers who would like to breed their bird at some future point a much higher chance of success.
 - Improves the future gene pool for a species by having wild taken birds that will have a more likely chance of successful captive reproduction.
 - Enlarges the population of genetically fit breeding birds in case environmental problems reduce wild populations. Point in fact, the recovery of the peregrine falcon, which exemplifies one of our greatest wildlife achievements in bringing a species back from near extinction due to our own fault of indiscriminate pesticide use (U.S. Fish and Wildlife Service, 2003).
- Reduced bureaucracy for nonresidents
- Reduced bureaucracy for enforcement

Biologic Support for this Proposal

Although this proposal includes the nonresident take possibility of any of the legally listed 25 indigenous raptors, three raptors stand out in capability and excitement of hunting prowess for use in falconry. These three species generally have a high research interest for wildlife management as well.

These three species are the Gyrfalcon (*Falco rusticolus*), the Peregrine falcon (*Falco peregrinus*) and the Northern Goshawk (*Accipiter gentilis*).

This proposal will include a limited research reference list; however, if necessary, more can be added during the comment period as appropriate.

Falconry is legal in all states except Hawaii. The wildlife management teams of these states all support falconry and raptor take as harvest data allows for their state. This also includes nonresident take for each state.

According to Millsap and Allen (2010), falconry raptor take poses little threat to wild populations in general. Natural mortality as well as mortality due to humans, either directly (e.g. shooting, vehicles, fences, poisoning) or indirectly (e.g. habitat loss), far exceed loss due to regulated falconry take.

In 2014 the Board of Game amended Alaska's falconry regulation [5 AAC 92.037(g)] to allow capture and export of falconry raptors by nonresident falconers under a permit issued by the Department of Fish and Game, Division of Wildlife Conservation (DWC).

In general, the DWC research data supports the limited take of these 3 raptors.

The fact that the DWC has allowed the take of the 25 indigenous species in AAC 92.037 37 (f), which includes these three species, gives evidence to the biologic basis for the take.

Research by Bente and Booms (2007 – 2014) shows the Alaska populations of gyrfalcons and peregrines fluctuate over time as do all species, but have remained at relatively stable levels. This is evidence that a falconry harvest is possible without negatively affecting wild populations.

The small increase in take of up to 15 permits is statistically an insignificant percentage for the populations of the entire state of Alaska. If the nonresident take of up to 15 birds, or areas where they are taken from, is of concern to wildlife management, this would imply that it would be of concern for resident take as well.

For a few nonresident permits, it makes sense to simply consider these takes as part of the overall Alaskan take with the exact same conditions of take applied for nonresidents as residents.

Whether a raptor is taken as a passage or an eyas, and whether taken in June or August, ultimately this ends as a take from the resource either way. With falconry take, however, there is the possibility of multiplying the take species through captive breeding which is not possible with a take from hunting.

Alaska Nonresident Take Data

The following table shows the results of nonresident falconry take over the years from 2015 to 2020. The nonresident take program began in 2015.

Year	Max Permits	Number of Applicants	Birds Exported
2015	3	23	2 gyrfalcons
2016	3	24	1 gyrfalcon, 1 goshawk
2017	3	18	1 gyrfalcon
2018	5	24	3 gyrfalcons
2019	5	26	3 gyrfalcons
2020	5	17	TBD

Source: Alaska Department of Fish and Game Website – Nonresident Falconry Take Permit Application Results, 2020

Statistics from this nonresident take data show:

- Total number of applicants = 115 (132 incl. 2020)
- Total number of permits given = 19 (24 incl. 2020)
- Total number of birds taken = 11
- Ave number of birds taken/year = 2.2

This is evidence that reaching the maximum allowed take is difficult for nonresidents to achieve. This evidence also supports that the impact of nonresident wild take is extremely low.

Fiscal Impact of nonresident take

The Dept of Fish and Game application process requires that a nonresident hunting license be purchased **before** applying – “Once you have acquired an Alaska hunting license, complete and submit the on-line application.”

This produces a revenue stream beyond the number of actual permits given. The current fee for a nonresident annual hunting license is \$160.

The department’s hunting license fee income since opening nonresident take in 2015 with 132 applicants is \$21,120. This is an average of \$3,520 per year for hunting licenses only.

Many permittees will also purchase a 1 to 14 day sport fishing license as well for their trip adding further revenue for the department.

Nonresident permittees also contribute revenue to the local community. Fifteen nonresident permittees with accompanying travelers for products and services such as Alaska Airlines flights, rental vehicles and gas, food, lodging, equipment and supplies, plane services, and guide services all supports the Alaskan economy.

Conservation Resource

International Union for Conservation of Nature (IUCN)

Established in 1964, The International Union for Conservation of Nature's Red List of Threatened Species is the world's most comprehensive information source on the global conservation status of animal, fungi and plant species.

Gyrfalcon Conservation Data

Scientific name: *Falco rusticolus*

Conservation Status:

IUCN Red List of Threatened Species: Least Concern (Population stable)

See Bente and Booms (2014) for more research on the population status of peregrines and gyrfalcons in Alaska.

See Wright (2004) for more research on the status of peregrines and gyrfalcons in Alaska.

Peregrine Conservation Data

Scientific name: *Falco peregrinus*

Conservation Status:

IUCN Red List of Threatened Species: Least Concern (Population stable)

See Wright (2004) for more research on the status of peregrines and gyrfalcons in Alaska.

Northern Goshawk Conservation Data

Scientific name: *Accipiter gentilis*

Conservation Status:

IUCN Red List of Threatened Species: Least Concern (Population stable)

See Flatten (2001) and Iverson (1996) for more research on the status of the northern goshawk in Alaska.

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PROPOSED BY: The California Hawking Club (EG-F20-169)

PROPOSAL 114

5 AAC 92.037. Permits for falconry.

Change the nonresident season for acquiring a passage raptor as follows:

This proposal seeks to modify the nonresident season for acquiring a passage raptor as follows:

5 AAC 92.037(g)(8). Permits for falconry

The annual nonresident season for acquiring a passage raptor is from **September 15 – November 15** [AUGUST 15 – OCTOBER 31];

What is the issue you would like the board to address and why? The Department proposes to change the season dates to ensure take of Gyrfalcons by nonresident falconers occurs away from the birds’ natal areas as was originally intended with the creation of the nonresident passage falconry season.

Gyrfalcons depart their natal areas in Alaska between approximately August 15 and September 12 (McIntyre et al. 2009, Eisaguirre et al. 2014). The current nonresident season beginning on August 15 allows recently fledged Gyrfalcons that have not yet left their natal areas to be taken by nonresidents near nests. This is a conservation concern because it incentivizes the sharing of sensitive nest site locations which are used repeatedly over centuries. It also encourages disturbance of cliff-nesting species by nonresident falconers scouting prior to the season opening when chicks are more vulnerable to disturbance. This concern is exacerbated for Gyrfalcons because there is substantial interest in obtaining financially valuable white Gyrfalcon nestlings for both legal and illegal purposes. White Gyrfalcons constitute less than 10% of Alaska’s Gyrfalcon population. It is therefore particularly important that season dates protect this small population of

birds ($n < 150$) while near their nests to ensure sustained yield into the future for both resident and nonresident falconers.

The nonresident season dates were established in 2015 to provide opportunity to take all legal falconry species after they leave their natal area (i.e. passage bird). To date, 10 Gyrfalcons and 1 Northern Goshawk have been taken by nonresident falconers. Little interest has been shown by nonresident falconers in taking other passage falconry species as most are available in other states. Further, the peak of migration for most falconry species occurs in mid-September in Interior Alaska (McIntyre and Ambrose 1998), with peaks in Southcentral and Southeast likely similar or slightly later. The proposed date change would align the opening of the season with the peak availability of passage raptors, ensuring all falconry species remain available for harvest during the proposed season.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F20-055)
