

## Alaska Board of Game Agenda Change Requests

Because of the volume of proposed regulatory changes, time constraints, and budget considerations, the boards must limit their agendas. The boards attempt to give as much advance notice as possible on what schedule subjects will be open for proposals. The following regulation specifies how the Board of Game considers agenda change requests (5 AAC 92.005):

### **BOARD OF GAME**

5 AAC 92.005. The Board of Game, will, in its discretion, change its schedule for considering proposed regulatory changes in accordance with the following guidelines:

- (1) a request to consider a proposed regulatory change outside the board's published schedule must be in writing, and must specify the change proposed and the reason it should be considered out of sequence;
- (2) a request must be sent to the executive director of the boards support section at least 45 days before a scheduled meeting unless the board allows an exception to the deadline because of an emergency;
- (3) the executive director shall attempt to obtain comments on the request from as many board members as can reasonably be contacted; and
- (4) if a majority of the board members contacted approve the request, the executive director shall notify the public and the department of the agenda change.

## 5 AAC 96.625. JOINT BOARD PETITION POLICY.

(a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190--44.62.210, which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. At least twice annually, the boards solicit regulation changes. Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees, regional fish and game councils, and to over 500 other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices. When the proposal books are available, the advisory committees and regional councils then hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee and regional councils reports before voting in public session on the proposed changes.

(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. Except for petitions dealing with subsistence hunting or fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), it is the policy of the boards that a petition will be denied and not schedule for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or 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. (Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126)

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

## AGENDA CHANGE REQUEST

The Alaska Falconers Association is requesting the Board of Game to consider our agenda change request to review all areas in the state that currently have small game hunting by bow and arrow and other primitive weapons but do not specifically include falconry as a method of take for small game.

Our main reason for this request is that, due to a federal mandate transferring a majority of the administrative duties including licensing to the State of Alaska, the Board will be taking up a re-write of the current Alaska Falconry Manual #8 at its statewide meeting in January 2012. During this meeting there will be numerous proposals to change falconry regulations that have been in place for several decades. The Alaska Falconers Association, the Department of Fish and Game, and other interested individuals will be presenting data about the sport of falconry, raptor biology, distribution, and population diversity with-in the State of Alaska. Since falconry proposals only come before the Board of Game once every four years due to an agreement between the Alaska Falconers Association, the Board of Game and the Department, the Association feels that the Board members will be presented with valuable information and will be up to speed with the unique and discipline specific practices of falconry here in Alaska.

There are seven Management Areas with-in the state that has specifically detailed primitive weapons hunts for small game with-in the areas. With-in each area, the type of primitive weapon system that can be used to take small game is listed. Each of these areas, by not listing falconry as a legal method of take, makes falconry illegal as a method of take for small game. The Management Areas that prohibit falconry as a method of take for small game are listed in 5AAC 92.530: These areas are: 5AAC92.530(2)(iii) Eagle River Management Area; 5AAC92.530(4)(B)(i); Skilak Lake Loop Management Area; 5AAC92.530(6)(B)(i); Dalton Highway Management Area, 5AAC92.530(7)(B); Birchwood Management Area, 5AAC92.530(11)(B)(i); Healy-Lignite Management Area, 5AAC92.530(13)(B); and the Petersburg Management Area, 5AAC92.530(24)(B).

The Alaska Falconers Association believes that the Board inadvertently left out falconry (which is a recognized primitive method of taking small game) as a method of taking small game when developing regulations for these Controlled Use Areas. The Board did take falconry into account when developing regulations for other Management Areas and allowed falconry as a method of taking deleterious exotic wildlife in two of the management areas listed above.

Falconry, defined in 5AAC92.990(18) as the means of taking game by means of a trained raptor, is the method of take that has the least impact on the small game resource. Falconry is a highly regulated sport that is practiced by a small number of very dedicated individuals. Falconers practice their discipline under the guidance of the Alaska Falconry Manual, which is part of the

Alaska Fish and Game Code. Falconers purchase hunting licenses and state and federal duck stamps. Falconers follow a strict set of guidelines including licensing, experience, acquiring and housing raptors, and the licensing new falconers through an apprentice program. Falconers are mandated to follow all of the hunting regulations.

Falconers spend countless hours over several years to bring a raptor to a level where it can successfully take small game. Falconers, through their trained raptors, take very few game animals, and they leave a very small and quiet foot print on the landscape. They make it a point to avoid other hunters because their technique at harvesting game is incompatible with other resource users. There is almost no competition for the resource between falconry and other consumptive uses. Falconry is a very low impact discipline with a very limited success rate. Falconers strive to distance themselves and their birds from other hunters and resource users. Often time hours are spent looking for the right set of circumstances just to initiate one flight. Many times those circumstances do not manifest themselves and no flight on game occurs.

Prior boards have told the Association that they would include falconry as a primitive method of take when future restrictions to the take of small game by primitive methods are adopted. Since falconry issues only come up every four years, we believe the Board just overlooked this issue.

Although an emergency does not exist; with these reasons in mind, the Board can change all regulations at one time while falconry issues are being reviewed. Board members will be freshly briefed on the sport of falconry which has not happened in many years and with one action can eliminate several proposals and public testimony at three different region meeting to address these issues.

Thank you for your consideration of our request.

David Lorring, representing the Alaska Falconers Association. (907) 687-4858

# STATE OF ALASKA

SEAN PARNELL, GOVERNOR

## DEPARTMENT OF FISH AND GAME

### DIVISION OF WILDLIFE CONSERVATION

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TO: Alaska Board of Game Members

THRU: Kristy Tibbles, Executive Director, Boards Support Section

FROM: Dale Rabe, Deputy Director, Division of Wildlife Conservation 

DATE: March 24, 2011

SUBJECT: Agenda Change Request to consider changes to 5 AAC 92.034 – Permit to take Game for Cultural Purposes

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The Alaska Department of Fish and Game (department) receives several requests each year for taking of game for educational purposes. Recently the department received a request to harvest a moose with the intent of using the animal at a cultural event associated with a native corporation shareholder meeting in Washington. Though we have been advised that the current wording of the regulation does not prohibit this, it is unclear to the department if this type of activity is within the intent of the Board of Game (Board). To clarify the intent of the Board, the department requests that 5 AAC 92.034 be included in the agenda for the 2012 Statewide Board of Game meeting in Anchorage.