

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF GAME

The Alaska Board of Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with the use and taking of game. Regulations subject to board action are in 5 AAC 84, 85, 92, 98 and 99 for the Southeast, Southcentral, and Central/Southwest Regions including statewide reauthorization of antlerless moose hunts and brown bear tag fee exemptions. The board will also address additional topics for other Game Management Units and statewide provisions as described below:

For the Southeast Region, Game Management Units 1, 2, 3, 4 and 5, the Southcentral Region, Game Management Units 6, 7, 8, 14C, and 15, and the Central/Southwest Region, Game Management Units 9, 10, 11, 13, 14A, 14B, 16, and 17, the following subject matter areas to be addressed are:

- A. **TRAPPING SEASONS AND BAG LIMITS** for furbearers, including but not limited to: beaver, coyote, mink, marten, otter, muskrat, squirrel, fisher, marmot, fox, weasel, lynx, black bear, and wolves.
- B. **HUNTING SEASONS AND BAG LIMITS** for all species including, but not limited to: bison, elk, moose, goat, caribou, black bear, brown bear, deer, Dall sheep, wolves, wolverine, lynx, fur animals, small game, unclassified game, and deleterious exotic wildlife. In addition, the potential for Tier I or Tier II subsistence hunting for each population; the reauthorization of antlerless moose hunts, and the definition of legal moose antlers for Units 1 and 3.
- C. **LICENSES, HARVEST TICKETS, HARVEST REPORTS, TAGS, FEES, AND PERMITS** including, but not limited to: discretionary and required permit hunt conditions and procedures; discretionary trapping permit conditions and procedures; reauthorization of brown bear tag fee exemptions statewide; special provisions for moose, brown bear, and Dall sheep hunts; permits for hunting black bear and brown bear with the use of bait or scent lures; guide requirements for nonresidents; youth hunts; second degree kindred permit allocation; and community subsistence harvest hunts, areas and conditions including the Copper Basin subsistence harvest hunt which includes Unit 12 and restrictions for hunting in other Game Management Units.
- D. **HUNTING AND TRAPPING METHODS AND MEANS** including, but not limited to: lawful methods of taking game, big game, and furbearers; and use of motorized vehicles for hunting and trapping.
- E. **POSSESSION, TRANSPORTATION, AND USE OF GAME** including, but not limited to: Restrictions to bag limits; evidence of sex and identity; destruction of trophy value; sealing and salvage requirements; and purchase and sale of game and parts of game.
- F. **RESTRICTED AREAS** including, but not limited to: areas closed to hunting and trapping including the Palmer Creek/Lower Resurrection Creek closed area, and a new closed area in Unit 13 near Denali National Park to taking wolves; closures and restrictions in state game refuges; management areas; and restrictions for use of motorized vehicles in controlled use areas including the Lower Kenai Controlled Use Area; a new controlled use area for the Lindenberg Peninsula.
- G. **INTENSIVE / PREDATOR MANAGEMENT** for all prey populations and populations having a positive finding as identified big game prey populations including predation control areas

implementation plans for Units 9, 13, 11, 16, 15; bear snaring in predation control areas; habitat manipulation; population and harvest objections; and related findings.

- H. CUSTOMARY AND TRADITIONAL USES OF GAME POPULATIONS including but not limited to: amounts reasonably necessary for subsistence uses for game including wolves.
- I. STATEWIDE AND OTHER PROVISIONS: Seasons and bag limits for caribou in Units 18 and 19; Unit 12 for the Copper Basin community subsistence harvest hunt area and conditions; intensive management for Unit 12; youth hunts for Unit 20; restrictions on the use of pack animals for big game hunting; reauthorization of antlerless moose hunts in all Units, statewide; and the definition for body gripping style of trap.

The proposed regulation changes and other informational documents including intensive management feasibility assessments are available on the Board of Game website at www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo or through the ADF&G Boards Support Section Office at (907) 465-4110.

You may comment on the proposed regulations, including the potential costs to private persons of complying with the proposed changes by submitting written comments limited to no more than 100 single sided or 50 double sided pages to the Alaska Board of Game, Boards Support Section at P.O. Box 115526, Juneau, AK 99811-5526, or by fax to (907) 465-6094, **so that comments are received no later than two weeks prior to the meeting during which the topic will be considered.**

Unless otherwise specified for a particular meeting in a published notice, written public comments over 100 single sided or 50 double sided pages in length from any one individual or group related to proposals at any one meeting will not be accepted. Written comments limited to 10 single sided or 5 double sided pages in length from any one individual or group will be accepted after the two-week deadline, but will not be inserted in the board member workbooks until the beginning of the meeting. Written comments may be submitted to the Board of Game at any time before the proposal is taken up by the board in deliberations, but as a practical matter, written comments should be submitted to the Boards Support Section office at the above address or fax number by the two-week comment deadline to ensure inclusion in the board workbooks. During the meeting written comments from any one individual or group may be submitted by hand delivery if 20 copies are provided. Written comments that are submitted are public record and are subject to public inspection.

Each meeting will start at 8:30 a.m. on the first day of the meeting dates noted below. The public hearing portions for each meeting will begin immediately after staff reports and continue until everyone who has signed up and is present when called has been given the opportunity to be heard. However, state advisory committee representatives may elect to provide testimony at a later portion of the meetings. Additional public hearings may be held throughout the meeting just before consideration and adoption of proposed changes in the regulations. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at each regulator meeting. The length of oral statements may be limited to three to five minutes, or less. Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments if they wish to have their views considered by the board.

TENTATIVE MEETING SCHEDULE

Southeast Region Meeting (Game Management Units 1, 2, 3, 4, and 5)

January 11 – 15, 2013

Harrigan Centennial Hall, 330 Harbor Drive, Sitka, Alaska

Central/Southwest Region Meeting (Game Management Units 9, 10, 11, 13, 14A 14B, 16 & 17)

February 8 – 15, 2013

Best Western Lake Lucille Inn, 1800 W. Lake Lucille Drive, Wasilla, Alaska

Southcentral Region Meeting (Game Management Units 6, 7, 8, 14C, and 15)

March 15 – 19, 2012

Kenai Cultural Center, 11471 Kenai Spur Hwy; Kenai, Alaska

Any changes to meeting locations, dates or times, or rescheduling of topics or subject matter will be announced by news release. Please watch for these announcements in the news media or call (907) 465-4110. Please carefully review the **PROPOSAL INDEX** available for the meeting for all specific proposal issues to be addressed by the board. Copies of the proposal indices are in the proposal book for each relevant meeting and available on-line at: www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo.

A live audio stream of the board meeting is intended to be available at each meeting and can be accessed on the Board of Game website at: www.boardofgame.adfg.alaska.gov.

Anyone interested in or affected by subsistence and general hunting or trapping regulations is hereby informed that, by publishing this legal notice the Board of Game may consider any or all of the subject areas covered by this notice. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR STAFF.** Pursuant to AS 44.62.200, the board may review the full range of activities appropriate to any of the subjects listed in this notice. The board may make changes to the hunting and trapping regulations as may be required to ensure the subsistence priority in AS 16.05.258 including reexamining customary and traditional use findings and determinations for amounts reasonably necessary for subsistence use. After the public hearing, the Board of Game may adopt these or other provisions dealing with the same subject, without further notice, or amend, reject, supplement, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU ARE ENCOURAGED TO COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

If you are a person with a disability who may need special accommodations in order to participate in this process, please contact Frances Leach at (907) 465-4110 no later than two weeks prior to the beginning of each meeting to ensure that any necessary accommodations can be provided.

Statutory Authority: AS 16.05, AS 16.30.

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.255; AS 16.05.256; AS 16.05.258; AS 16.05.407; AS 16.05.346; AS 16.05.340; AS 16.30.010 – .030; AS 16.05.330, and AS 16.05.783

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: December 7, 2012



Kristy Tibbles, Executive Director
Alaska Board of Game
465-4110A

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Board of Game
2. General subject of regulation: Hunting and trapping regulations for Southeast, Central/Southwest, and Southcentral Regions.
3. Citation of regulations: 5 AAC 84, 85, 92, 98, and 99
4. Reason for the proposed action:
 - compliance with federal law
 - compliance with new or changed state statute
 - compliance with court order
 - development of program standards
 - other: Regularly scheduled topics for the Southeast, Central/Southwest, and Southcentral Region Board of Game meetings and other miscellaneous provisions. Implement, interpret, or make specific the provisions of AS 16.05– AS 16.30
5. Program category and RDU: Natural Resources and all RDUs
6. Cost of implementation to the state agency and available funding: It is not possible to estimate cost. However, this action is not expected to require an increased appropriation.
7. The name of the contact person for the regulations:

Name: Kristy Tibbles
Title: Executive Director, Board Game
Address: Boards Support Section
Alaska Dept. of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
Telephone: (907) 465-4110

8. The origin of the proposed action:
 - staff of state agency
 - federal government
 - general public
 - petition for regulation change
 - other (please list)

9. Date: December 7, 2012

Prepared by: 

Kristy Tibbles
Executive Director, Board of Game
907-465-4110

The Board of Game approved an Agenda Change Request to consider this proposal at the Southeast Region meeting scheduled for January, 2013.

PROPOSAL 176 -5 AAC 92.095(a)(20)-Unlawful methods of taking furbearers; exceptions. Replace the term “conibear” in the codified regulations for trapping.

(a) The following methods and means of taking furbearers under a trapping license are prohibited, in addition to the prohibitions in 5 AAC 92.080:

...

(20) in Unit 5(A), the Yakutat area, by using snares or **body-gripping** [CONIBEAR] traps **with a jaw opening greater than 8 inches across** [LARGER THAN 280], in the following areas:

- (A) within 500 yards of permanent residences in Yakutat city limits;
- (B) 500 yards inland from the mean high tide line between the intersection of Coast Guard Beach Road and the coast, and a point 1/2 mile south of the intersection of Cannon Beach Road and the coast, locally known as "the barge";
- (C) within 150 yards on either side of Cannon Beach Road; and
- (D) within 50 yards on either side of the Train Trail.

ISSUE: The Department of Fish and Game has received notification from a legal firm representing Oneida Victor Inc., manufacturer of the Conibear trap, that the name “Conibear” is a registered trademark of their company. They have requested that it be removed from Alaska Codified regulations where it is being used to represent a generic class of traps. The Department of Law is advising the Department and the Board of Game replace the term.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion may continue to exist over applicability of the regulation for similar traps made by other manufacturers.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? Everyone benefits from clarity in regulations.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game
