

PROPOSAL 178 – 5 AAC 92.200. Purchase and sale of game.

PROPOSED BY: Alaska Department of Public Safety, Alaska Wildlife Troopers, and the Alaska Department of Fish and Game, at the request of the Alaska Board of Game.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the commercial barter of game or their parts taken for subsistence uses by adding a new section of regulation prohibiting certain individuals from engaging in exchanges involving subsistence-taken resources that could result in the resources entering commerce (commercial transactions), and providing a definition of “noncommercial.”

WHAT ARE THE CURRENT REGULATIONS? In alignment with Alaska state law recognizing the long-standing customary and traditional practice of barter in Alaska (AS 16.05.940(33)), the Alaska Board of Game (board) allows the barter of most subsistence resources (5 AAC 92.200(a)). The exceptions are big game trophies, black bear trophies of any kind, antlers of caribou taken from Game Management Unit (GMU) 23 (unless naturally shed, or made into a handicraft), and bear gallbladders (5 AAC 92.200(c)): these items may not be bartered at any time.

State law defines subsistence barter as “the exchange or trade of fish or game, or their parts, taken for subsistence uses (A) for other fish or game or their parts; or (B) for other food or for nonedible items other than money if the exchange is of a limited and **noncommercial** nature” (emphasis added; AS 16.05.940(2)).

There is no definition of “noncommercial” as it applies to subsistence barter.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There would be a definition of “noncommercial” as it applies to the barter of game taken for subsistence uses to help guide enforcement, and to help protect subsistence resources, in cases where barter transactions may have developed into commercial activities.

BACKGROUND: In January 2012, the board changed 5 AAC 92.200 to allow the barter of most game taken for subsistence uses. However, because there is no regulatory guidance on what a “limited and noncommercial” level of barter of game might be, the board requested that the department, in collaboration with Department of Public Safety, Alaska Wildlife Troopers, propose a definition of “noncommercial” as it relates to barter of subsistence resources in order to help enforcement and to protect subsistence resources.

In Alaska, subsistence foods are commonly distributed and exchanged, most often through an established network of friends and relatives. State law recognizes and protects this long-standing noncommercial barter of subsistence-taken fish and game as a customary and traditional (C&T) use. Just a few of many examples documented in state research include bartering moose meat and beaver meat for fish (Tanana), moose meat for seal oil (Chuathbaluk), deer meat for

eulachon (hooligan) oil (Klawock), herring roe on branches for ground squirrel hides (Sitka), and beluga whale muktuk for caribou and whitefish (Buckland).

Subsistence barter does not involve cash: exchange of subsistence resources for cash is defined in state law as “customary trade” (AS 16.05.940(8)). Customary trade is already defined as “limited,” and the board already has the authority to set those limits in terms of limiting the dollar amounts allowed to be exchanged.

DEPARTMENT COMMENTS: The department and Alaska Wildlife Troopers submitted and **SUPPORT** this proposal to help clarify enforcement efforts to ensure that subsistence resources are not used commercially, in accordance with state law. The department is **NEUTRAL** on allocative aspects. The proposed language is intended to apply only to those who may be commercially profiting from bartering of subsistence resources. It is not intended to apply to small-scale traditional barter of subsistence resources.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional cost to private parties or the department.
