

Statewide Regulations

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- 161 Modify the definition of edible meat for brown bear to match black bear.
- 162 Clarify that brown bear can be taken over bait under the conditions of a permit.
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Definitions

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- 167 Establish a definition for guide and assistant guide.
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- 171 Modify the definition for full-curl horn of male Dall sheep.
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- 173 Modify the definition for bag limit, and define mortally wounded.

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- 174 Allow nonresident falconers to capture raptors

Miscellaneous

- 175 Review and determine the advisory committees that have jurisdiction for approving antlerless moose hunts.

ALASKA BOARD OF GAME
Statewide Regulations, Cycle A Schedule
March 14-18, 2014
Dena'ina Civic and Convention Center
Anchorage, Alaska

~TENTATIVE AGENDA~

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. Persons wishing to testify must sign-up by the deadline. Public testimony will continue until those present at the meeting are heard; the board will continue working through its agenda immediately upon conclusion of public testimony. The following time blocks are only an estimate.

Friday, March 14, 8:30 AM

OPENING BUSINESS

- Call to Order
- Introductions of Board Members and Staff
- Board Member Ethics Disclosures
- Purpose of Meeting (overview)

STAFF AND OTHER REPORTS

PUBLIC AND ADVISORY COMMITTEE TESTIMONY (upon conclusion of staff reports)

THE DEADLINE FOR 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 Chairman to testify, are heard.

Saturday, March 15, 8:30 AM

PUBLIC AND ADVISORY COMMITTEE TESTIMONY Continued

BOARD DELIBERATIONS (Upon conclusion of public testimony)

Sunday, March 16 – Tuesday, March 18, 8:30 AM

BOARD DELIBERATIONS Continued

**MISCELLANEOUS BUSINESS, including petitions, findings and policies, letters, and other business
(Upon conclusion of deliberations)**

ADJOURN

Special Notes

- A. This agenda is TENTATIVE and subject to change during the meeting. A list of staff reports and a roadmap will be available at the meeting. Scheduled updates will be available on the Board of Game website.
- B. Meeting materials are available at: www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo or by contacting the ADF&G Boards Support Office in Juneau at 465-4110.
- C. A live audio stream for the meeting is intended to be available at: www.boardofgame.adfg.alaska.gov
- D. 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 February 28, 2014 to make any necessary arrangements.

Hunter Education

PROPOSAL 133 - 5 AAC 92.003. Hunter education and orientation requirements. Require IBEP certification for all big game hunters, statewide as follows:

Education requirements bowhunters: an International Bowhunter Education Program (IBEP), or equivalent certification, is required to hunt big game with a bow and arrow in Alaska, remainder of requirements as currently written.

ISSUE: Make bow hunter education a requirement of all hunting with bow and arrow.

WHAT WILL HAPPEN IF NOTHING IS DONE? Status quo, but not the best education for the hunters.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Requiring all bowhunters to have IBEP certification will make all bowhunters equivalent, not just those hunting in "archery only" hunts. This will improve hunter ethics, knowledge, and shooting competency.

WHO IS LIKELY TO BENEFIT? The game being hunted, and fellow hunters who currently have the required certification.

WHO IS LIKELY TO SUFFER? Those bowhunters who do not currently have IBEP certification, and do not want to take the class.

OTHER SOLUTIONS CONSIDERED? If the original premise for requiring IBEP certification is valid (it is) then the rationale should apply to all bowhunters equally. There really is no down side to this proposal that I can see.

PROPOSED BY: Len Malmquist EG042013750

PROPOSAL 134 - 5 AAC 92.003. Hunter education and orientation requirements. Provide options to align International Bowhunter Education Program requirements for all bears taken over bait by bow and arrow, statewide as follows:

5 AAC 92.003. Hunter education and orientation requirements.

Option 1-remove International Bowhunter Education Program (IBEP) requirement for all bears taken over bait statewide:

...
(g) [A PERSON MAY NOT TAKE A BLACK BEAR OVER BAIT IN UNIT 7 AND UNITS 14 - 16 WITH A BOW AND ARROW UNLESS THE PERSON HAS

SUCCESSFULLY COMPLETED A DEPARTMENT - APPROVED BOWHUNTING COURSE.]

Option 2-align brown bear with current requirements for black bear:

...

(g) A person may not take a [BLACK] bear over bait in Unit 7 and Units 14 - 16 with a bow and arrow unless the person has successfully completed a department - approved bowhunting course.

Option 3-expand IBEP requirement for all bears taken over bait statewide:

...

(g) A person may not take a [BLACK] bear over bait [IN UNIT 7 AND UNITS 14 – 16] with a bow and arrow unless the person has successfully completed a department - approved bowhunting course.

ISSUE: In March of 2012 the Board of Game passed a regulation that allowed the take of brown bears at bait sites and stated that all of the regulations in 5 AAC 92.044 applied. An additional regulation requiring IBEP or equivalent for bowhunters harvesting black bears over bait in Units 7 and 14-16 is found under 5 AAC 92.003-Hunter education and orientation requirements. The Department of Fish and Game (department) would like to make the requirement for IBEP the same for both black and brown bears, and has presented three options for making the change.

Currently, taking brown bears over black bear bait sites is allowed in Units 7, 12, 13D, 15, 16, 20C, 20E, and 21D. Without alignment of the regulation, bowhunters taking a black bear over bait in Units 7, 15 and 16 would be required to be IBEP certified, but bowhunters taking a brown bear in these same units, even at the same site, would NOT be required to have IBEP certification.

This proposal seeks to align the regulations for all bears taken over bait. The department has no recommendation, other than aligning both bear species to prevent confusion and simplify regulations.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be differing regulations regarding what hunters can and can't do at bait stations dependent on the targeted species.

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

WHO IS LIKELY TO BENEFIT? Hunters will benefit greatly by being able to more clearly understand what is and is not allowed at bait stations because the regulations regarding the two species will be aligned.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Require IBEP certification statewide for all big game hunters using bow and arrow.

PROPOSED BY: Alaska Department of Fish and Game

EG050613948

Harvest Tickets, Permits, Reports and Hunts

PROPOSAL 135 - 5 AAC 92.019. Taking of big game for certain religious ceremonies. Specify game taken for certain religious ceremonies is to be used within this state as follows:

5 AAC 92.019. Taking of big game for certain religious 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 within Alaska as food in customary and traditional Alaska Native funerary or mortuary religious ceremonies within 12 months preceding the ceremony is authorized if consistent with sustained yield principles.

ISSUE: During the Statewide Board of Game (board) meeting in 2012 the board specified game taken for cultural purposes was to be used within this state. The regulation for taking game for certain religious ceremonies was not on the call for proposals at that time so the board was unable to change this very similar regulation until now.

WHAT WILL HAPPEN IF NOTHING IS DONE? The regulations for use of game for cultural purposes and for religious ceremonies will not be consistent relative to limiting use within the state.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Those attempting to follow the regulations.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game EG050613924

PROPOSAL 136 - 5 AAC 92.990. Definitions. Establish definitions for subsistence hunting and subsistence uses as follows:

General hunt means: a hunt that is regulated in a nonsubsistence area; a regulated hunt that lays outside a nonsubsistence area and the game being taken does not have a positive finding of customary and traditional (C&T); when the harvestable surplus is above the maximum amount necessary for subsistence (ANS) and the board has determined other uses can exist; nonresident opportunity.

ISSUE: Create a new definition for general hunts.

WHAT WILL HAPPEN IF NOTHING IS DONE? The term “general hunts” appears mainly in Section 84 (in regulation) hunting season and bag limits. The other term used is subsistence

hunts (both are used somewhat randomly). Some have no designation. We need to keep subsistence opportunity or allocation separate from nonsubsistence uses. This new definition is needed to keep the harvest accounted for by who are eligible and the choice or level the user participates in.

If you research Section 84, you will find many inconsistencies of our issue. Examples of three, but there are many more, are:

1. 5 AAC 85.025, Unit 20E Fortymile caribou: This population has a positive C&T. Yet there is no designation of subsistence or general season. How do users know what kind of hunt they are participating in? How is the harvest accounted for? Was the resident harvest all subsistence? Are all residents participating as subsistence users?

2.5 AAC 85.045, Unit 25B moose: This population has a positive C&T and has been designed as a general hunt. Clearly it is a subsistence opportunity.

3.5 AAC 85.056, wolves, 85.057, wolverine, and 85.060, furbearers: Outside any of the nonsubsistence areas, all these game have a positive C&T, yet they are designed as general hunts.

What we are pointing out here is how do Alaskans know if they are participating in a subsistence allocation or not? Does an individual want to participate in a subsistence hunt? And how do we record the harvest, subsistence or other uses? This becomes real important data when determine ANS. We should also expect consistency in our regulations.

We also will point out in each section of game species (Section 85) it says: “(a) in this section, the phrase “general hunt only” means that there is a general hunt for residents, but no subsistence hunt, during the relevant open season. For those units or portions of units within the nonsubsistence areas established by the Joint Board of Fisheries and Game (5AAC 99.015), there is a general hunt only”.

This also seems inconsistent with how it is applied as we pointed out and you can review throughout Section 85 (most notable in 85.056 - 060).

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? This proposal addresses accountability of what allocation the users participate at (subsistence, nonsubsistence, or nonresident). It also addresses the accountability of the harvest as to what harvest took place, subsistence or other uses.

WHO IS LIKELY TO BENEFIT? Alaskan users, whereas it will be clear at what level of opportunity residents are participating at. Residents should know when they are participating in a subsistence opportunity and their effort be recorded as such, to protect all subsistence uses.

WHO IS LIKELY TO SUFFER? Somewhat the Department of Fish and Game, as they will have to make many clerical fixes in regulation. The traditional harvest reports/tickets should be

addressed as there is no statement or language inferring that these are general hunt harvest reports/tickets.

The Board of Game, as they will have to clearly distinguish between what is a subsistence opportunity by residents and what is a general hunt. Most likely could be achieved by separate permits and or season dates, when dealing with game that has a positive C&T finding.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Al Barrette EG043013843

PROPOSAL 137 - 5 AAC 92.990. Definitions. Establish a definition for subsistence hunting and subsistence uses as follows:

The Board of Game (board) should adopt definitions under 5 AAC 92.990 for both "subsistence hunting" and "subsistence uses" consistent with the Alaska State Constitution (Article 8, Section 3) regarding common use of public wildfood resources.

ISSUE: Use of location of domicile as a factor in determining subsistence users.

WHAT WILL HAPPEN IF NOTHING IS DONE? A quarter of a century (1989) after the Alaska Supreme Court struck down the rural residency requirement for subsistence users it's still printed in statute: AS 16.05.940(31) - (33), AS 16.05.258(b)(4)(B)(ii) and in regulation 5 AAC 99.010(c)(2). If the statutory definitions for "subsistence hunting" and "subsistence uses" continue to require an unconstitutional rural residency to participate in a subsistence hunt the board should adopt their own definitions consistent with numerous Alaska Supreme Court rulings.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? The proposal is allocative in nature.

WHO IS LIKELY TO BENEFIT? All Alaskans who believe game regulations should be consistent with the letter of the law.

WHO IS LIKELY TO SUFFER? Those who believe the state should implement a rural subsistence priority to public wildfood resources regardless of numerous Alaska Supreme Court rulings to the contrary.

OTHER SOLUTIONS CONSIDERED? Having the board of request that the legislature amend all references to "domiciled in a rural area" out of the state subsistence law, AS 16.05.258 and definitions, AS 16.05.940. Not likely to happen soon, this simple solution continues to remain unachievable in the current political climate in Alaska.

PROPOSED BY: Alaska Outdoor Council EG042913834

PROPOSAL 138 - 5 AAC 92.XXX. New Section. Establish emergency subsistence moose hunt procedures as follows:

Allow so many moose to be harvested in each village for emergency subsistence hunts, according to village population and moose population (to be determined); moose to be divided and distributed by authorities.

ISSUE: The need for emergency subsistence moose hunt in time of no access to food because of state, national or natural disaster. The Alaska Food Policy Council suggested this action.

WHAT WILL HAPPEN IF NOTHING IS DONE? If people get hungry there will be no control over how many moose are harvested and moose populations could plummet if an emergency regulation is not in place (similar to potlatch regulations).

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Hungry people and the moose population so the risk of wiping them out is reduced.

WHO IS LIKELY TO SUFFER? Villagers and moose alike will suffer much less if solution is adopted. Authorities will have multiple arrests.

OTHER SOLUTIONS CONSIDERED? Raising cattle or buffalo is not practical now. Not making a regulation and just shooting what we want at any time. The law won't matter.

PROPOSED BY: Ed Sarten, Alaska Food Policy Council EG042913820

PROPOSAL 139 - 5 AAC 92.010. Harvest tickets and reports. Remove the harvest ticket requirement and require harvest reports for certain non-permit hunts as follows:

(a) The number of each harvest [TICKET] **report** issued to a hunter must be entered on the hunter's license. A harvest [TICKET] **report** issued the previous calendar year and still valid must also be entered on the hunting license.

[(B) AFTER KILLING AN ANIMAL FOR WHICH A HARVEST TICKET IS REQUIRED, THE HUNTER SHALL REMOVE IMMEDIATELY, BEFORE LEAVEING THE KILL SITE, THE DAY AND MONTH OF THE KILL FROM THE HARVEST TICKET WITHOUT REMOVING ANY OTHER DAY OR MONTH, AND SHALL KEEP THE VALIDATED HARVEST TICKET IN POSSESSION UNTIL THE ANIMAL HAS BEEN DELIVERED TO THE LOCATION WHERE IT WILL BE PROCESSED FOR HUMAN CONSUMPTION.]

(c) Within 15 days after taking the bag limit for a species or, if the hunter does not take the bag limit, within 15 days after the close of the season, the hunter shall submit a completed harvest report to the department. A person may not falsify any fact on a harvest report submitted to the department under this subsection.

(d) A hunter who is younger than 10 years of age may not be issued a big game harvest [TICKET] report.

(e) For a permit hunt, the permit takes the place of a harvest [TICKET AND] report.

f) For deer, a person may not hunt deer, except in a permit hunt, unless the person has [IN POSSESSION A DEER HARVEST TICKET, AND IN UNITS 1 - 6, AND 8 HAS] obtained a harvest report [(ISSUED WITH THE HARVEST TICKET). IN UNITS 1 - 6 AND UNIT 8, A PERSON MUST

(1) HAVE IN POSSESSION THAT PERSON'S UNUSED DEER HARVEST TICKETS WHILE HUNTING DEER; AND

(2) VALIDATE THE DEER HARVEST TICKET IN SEQUENTIAL ORDER, BEING WITH HARVEST TICKET NUMBER ONE.]

(g) For caribou, a person may not hunt caribou, except in a permit hunt, unless the person [HAS IN POSSESSION A HARVEST TICKET AND] has obtained a harvest report [(ISSUED WITH THE HARVEST TICKET); HOWEVER A PERSON WHO RESIDES NORTH OF THE YUKON RIVER AND IS HUNTING NORTH OF THE YUKON RIVER IS NOT REQUIRED TO USE HARVEST TICKETS OR HARVEST REPORTS BUT MUST REGISTER TO HUNT CARIBOU IN THE ARTIC.]

(h) For moose and sheep, a person may not hunt moose or sheep, except in a permit hunt or in the Gates of the Arctic National Park, unless the person has [IN POSSESSION A HARVEST TICKET FOR THE SPECIES AND HAS] obtained a harvest report [(ISSUED WITH THE HARVEST TICKET); HOWEVER, A PERSON WHO IS HUNTING DALL SHEEP IN THE GATES OF THE ARCTIC NATIONAL PARK MUST REGISTER WITH THE DEPARTMENT.]

(i) For elk, a person who takes an elk in Units 1 - 5 where a drawing or registration permit is not required shall report the sex and location of the kill to the department's division of wildlife conservation office in Petersburg within five days of harvest.

(j) For black bear, a nonresident hunter who takes a black bear on Kuiu Island in Unit 3 shall report the sex and location of the kill to the department's division of wildlife conservation office in Petersburg within five days of harvest.

(k) Repealed 7/1/2010.

(l) For black bear, a person may not hunt black bear in Units 1 - 7, 11 - 16, 19(D), and 20, except when a permit is required, unless the person has [IN POSSESSION A HARVEST TICKET FOR THE SPECIES AND HAS] obtained a harvest report. [(ISSUED WITH THE HARVEST TICKET).]

ISSUE: Remove/peel the harvest ticket requirement. Require hunters to obtain a harvest report prior to taking moose, deer, caribou, black bear, elk and Dall sheep that are not permit hunts.

WHAT WILL HAPPEN IF NOTHING IS DONE? 1. Harvest tickets have little to no value to the Department of Fish and Game (department), Board of Game (board), or the management of wildlife resources specified. The vast majority of citations issue for harvest tickets and reports are for hunters not immediately validating harvest tickets (even though the take was lawful in all aspects). Currently only permit hunts and general season moose, caribou, deer, some black bear and Dall sheep hunts have a harvest ticket associated with them. Why?

A.) One may conclude, so an unlawful individual will not be able to harvest over the bag limit. Yet the board has allowed the harvest of all waterfowl, small game, fur bearers, and big game wolves, wolverines, some black bears and grizzly bears without harvest tickets requirements. Most have some kind of bag limits associated with the take. So is this a valid concern? It would appear the board may not be concern about unlawful/possession take of these game animals.

B.) Harvest tickets must be validated and in possession while transporting the harvest game.

If this regulation passes, the hunter would still have to be in possession of a hunting license, which will have the harvest report number recorded on the back of the license (per requirement of existing regulation, no change). This still gives wildlife enforcement the ability to validate legality of harvest and bag limits. If game harvested and not in possession of the harvester, then as required via, transfer of possession is required (5AAC 92.135).

2. There are currently still some hunts under this regulation that do not require a state harvest report. This harvest data is vital to the department and the board in addressing new management plans of state wildlife resources, regardless of land ownership or status of hunters (state, federal, or subsistence). This should be changed so all game harvested under this regulation is accounted for and hunters are accountable for information given.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes. Harvest reports: We all have been to many board meetings only to witness incomplete harvest data, gaps in yearly harvest information, and or best guess estimations of harvest data.

Harvest tickets: Has no direct impact on the improvement or quality of the resource harvested. But it does affect hunters who may have followed all regulations in the take of the resource but failed to validate the harvest ticket and in most cases receive a citation. This is not really necessary.

WHO IS LIKELY TO BENEFIT? Harvest reports: Board members, as they have to make decisions on allocation, seasons and numbers of animals to be harvested. The department as they have to present best available data to the board. Subsistence users and other users as they want the most opportunity to harvest state wildlife resources. To protect subsistence user and uses.

Harvest tickets: Hunters, as they would not be cited for not properly validating harvested tickets.

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Al Barrette

EG042913825

PROPOSAL 140 - 5 AAC 92.010. Harvest tickets and reports. Require each harvest report or permit to specify whether the hunt was conducted to provide a wildfood harvest for subsistence uses or for recreational values as follows:

5 AAC 92.010. Harvest tickets and reports. Add the requirement to specify on each harvest report or permit whether the hunt was conducted to provide a wildfood harvest for subsistence uses or for recreational values.

ISSUE: Aid Alaska Department of Fish and Game’s Division of Subsistence in achieving its legislative mandate found in Alaska Statute 16.05.094 to report subsistence hunting harvest data for all Alaskan residents. Currently data necessary for the Board of Game to determine the amount necessary for subsistence (ANS), numbers for customary and traditional (C&T) populations are not being accurately gathered.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Alaska Department of Fish and Game’s Division of Subsistence will continue to provide the board with inaccurate subsistence harvest data for Alaskan resident hunters living in state nonsubsistence areas, 5 AAC 99.010. The Department of Fish and Game lacks the funding necessary to gather household subsistence harvest survey data for 83% of the state population residing in state nonsubsistence areas.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No, the proposal when adopted would provide more credible subsistence harvest data to the board to rely on when deliberating on subsistence use proposals.

WHO IS LIKELY TO BENEFIT? Law abiding Alaskan residents who choose to live in state nonsubsistence areas and continue to participate in a subsistence way of life.

WHO IS LIKELY TO SUFFER? Those who prefer that only rural Alaskan residents have a priority to publicly owned subsistence food resources.

OTHER SOLUTIONS CONSIDERED? Amend 5 AAC 99.030. Eligibility for subsistence and general hunts, to include issuances of a recreational hunting license for nonsubsistence hunts. Rejected this solution for the sake of simplicity of just adding a box to check off on a harvest report or permit.

PROPOSED BY: Alaska Outdoor Council

EG042913831

PROPOSAL 141 - 5 AAC 92.012. Licenses and tags. Specify where locking tags are to be affixed as follows:

If the Board of Game chooses to adopt this change the new regulation would read as follows;

5 AAC 92.012(E) : In any hunt where a numbered, non-transferable locking tag is required, a person taking big game shall immediately affix the locking tag to the portion of the animal required to be salvaged from the field and the person shall keep the tag affixed until the animal is prepared for storage, consumed or exported.

ISSUE: Create a new section in 92.012 that addresses where locking tags must be affixed when required. Under AS 16.05.340 (15) and (20), nonresidents and nonresident aliens are required to affix a locking tag to the animal immediately upon capture and it must remain affixed until the animal is prepared for storage, consumed or exported. For residents, locking tags are required to be affixed on musk ox and brown bear (where required) and the resident taking the game shall immediately affix the tag to the animal and shall keep the tag affixed until the animal is prepared for storage, consumed or exported. The specific problem is that different animals have different salvage requirements. A hunter could attach a locking tag to a black bear hide and then leave the hide with the tag attached in the field and not be in violation if the bear was taken during the time that salvage of the hide was optional.

WHAT WILL HAPPEN IF NOTHING IS DONE? If this problem is not addressed, hunters will continue to be confused about their requirement for affixing locking tags on harvested animals.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes.

WHO IS LIKELY TO BENEFIT? Hunters who do not know which part of the animal the locking tag must be affixed to.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Wildlife Troopers

EG043013836

PROPOSAL 142 - 5 AAC 92.012. Licenses and tags. Remove the requirement to show applicable licenses and permits to peace officers or department employees as follows:

5AAC 92.012(b) [UPON REQUEST FROM AN EMPLOYEE OF THE DEPARTMENT OR A PEACE OFFICE, A PERSON MAY NOT REFUSE TO PRESENT FOR INSPECTION ANY

LICENSE, HARVEST TICKET, PERMIT, OR TAG, ANY GAME, OR ANY APPARATUS DESIGNED TO BE AND CAPABLE OF BEING, USED TO TAKE GAME.]

All persons engaged in hunting or trapping or in possession of game must show their hunting or trapping license, special permit, or stamps to any department employee or peace officer. (This mirrors what the regulation states for fishing. (5 AAC 75.005))

ISSUE: Violation of our civil liberties. The Alaska Constitution grants us protection of unwarranted searches and seizures. In Article 1 sec.3 and sec. 7 and sec.14., also AS 16.05.180 says each peace officer designated in AS 16.05.150 may without a warrant search anything or place if the search is reasonable or is not protected from searches and seizures without warrant within the meaning of art. I, Sec. 14, Alaska State Constitution, which specifically enumerates "persons, houses and other property, papers and effects." However, before a search without warrant is made, a signed written statement by the person making the search shall be submitted to the person in control of the property or object to be searched, stating the reason the search is being conducted. A written receipt shall be given by the person conducting the search for property which is taken as a result of the search. The enumeration of specific things does not limit the meaning of words in nature.

We realize hunting and trapping are highly regulated activities. But operating a motor vehicle is also a highly regulated activity. A peace officer of the state cannot stop you, as a primary reason, just to see if you have a valid driver's license. Nor do you have to allow him to search your vehicle without a warrant.

WHAT WILL HAPPEN IF NOTHING IS DONE? Having language in regulation saying, "no person may refuse to present for inspection any license or tag, any game, or apparatus designed to be, and capable of being, used to take game". This allows law enforcement to ask for licenses, tags, or permits at any time or anywhere. It also allows those same persons to inspect all apparatuses any time or anywhere. I can only conclude that apparatuses are vehicles, ATVs, boats, firearms and so on (personal property). I believe 5AAC 92.012 (b) is not supported by statute. In fact the statute that gives this regulation authority 16.05.330 (a) says: "Except as otherwise permitted in this chapter, without having the appropriate license or tag in actual possession, a person may not engage in (2) hunting, trapping or fur dealing". So, you must possess these while engaged in hunting or trapping. The statute also says nothing about inspecting. But we may assume the intent of the statute gives law enforcement the ability to check licenses or tags while engaged in hunting or trapping, but it says nothing about apparatuses. This regulation needs to be amended.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All persons hunting and trapping. As rights that were granted to us through our constitution, Alaskans should not have to forfeit those rights when they accept a state license. Also there would be no difference between when fish users are by regulation obligated to produce proper licensing versus when a hunter or trapper is obligated by regulation to produce proper licensing.

WHO IS LIKELY TO SUFFER? Law enforcement, as they may argue that you may be taking away a tool of theirs to catch possible violators of wildlife regulations. Are not our freedoms and protection granted to us by the Constitution and in this case State Statute more important?

OTHER SOLUTIONS CONSIDERED? Use 5 AAC 75.005. We did not reject it, just amended it to fit the game side.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee EG042613795

PROPOSAL 143 - 5 AAC 92.025. Permit for exporting a raw skin. Repeal the requirement for raw fur shipping permit as follows:

Repeal the regulation, 5 AAC 92.025. If it is not going to be enforced, why have it as a citable offense.

ISSUE: Importance of data collected by the Department of Fish and Game (department) from the Raw Fur Shipping Permit? How can a fur buyer/taxidermist sign a statement that the furs they are shipping were legally taken and possessed, if the fur buyer/taxidermist was not involved with the take?

WHAT WILL HAPPEN IF NOTHING IS DONE? Is the data that is collected from the permit viable in the management of fur bearer populations? Data that is asked for such as “taken in GMU” only applies to an individual trapper/hunter not fur buyers or taxidermists. If raw fur is shipped outside the state without a permit, an individual is susceptible to a state wildlife violation and could be also prosecuted by the federal wildlife enforcement as a Lacy Act violation. Furthermore if the shipment of raw fur has a value of over \$500.00 this would be federal felony under the Lacy Act provision. Carriers and post offices are also susceptible to violations under this permit, as they are not allowed to accept or ship a package that contains raw fur without the documentation/permit on the outside of the package. Carriers and post offices don’t ask if you are shipping raw fur. This still does not exempt them from prosecution.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Does not.

WHO IS LIKELY TO BENEFIT? Alaskans. Persons shipping raw fur will not have to find or locate raw fur shipping permits or identify to the public that their package contains raw fur. The department may, as we do not know how this data is important to them, as it really only tells them what fur has left the state and some data as what unit it was taken in (if a hunter/ trapper is shipping).

WHO IS LIKELY TO SUFFER? Alaskans shipping raw fur. We don’t know of a case in which an individual has ever been prosecuted for not having a permit, nor have we ever heard of it being enforced. But the state did refuse to cite persons for not having a permit when U.S. Fish and Wildlife (though one of their investigations) had made them aware of Alaskans shipping raw fur to a tannery outside for dressing and not in compliance with this regulation.

OTHER SOLUTIONS CONSIDERED? Leaving it as is. Not a productive process.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee

EG042613794

PROPOSAL 144 - 5 AAC 92.025. Permit for exporting a raw skin. Repeal the requirement for an export permit or shipping tag and an export report or postcard prior to transporting raw skins of fur animals and fur bearers from Alaska as follows:

5 AAC 92.025. Permit for exporting a raw skin. Repealed [(a) NO PERSON MAY SHIP, MAIL, OR OTHERWISE TRANSPORT FROM ALASKA THE RAW SKIN OF A WILD FUR ANIMAL OR FUR BEARER UNLESS THE PERSON FIRST OBTAINS AN EXPORT PERMIT OR SHIPPING TAG AND AN EXPORT REPORT OR POSTCARD AVAILABLE FROM THE DEPARTMENT, POST OFFICES, OR COMMERCIAL CARRIERS.

(b) A PERSON WHO SHIPS, MAELS, OR OTHERWISE TRANSPORTS FROM ALASKA THE RAW SKIN OF A WILD FUR ANIMAL OR FUR BEARER SHALL ATTACH A FUR EXPORT PERMIT TO THE OUTSIDE OF ANY PACKAGE CONTAINING THE RAW SKIN AND SHALL INCLUDE A STATEMENT THAT EACH SKIN WAS LEGALLY TAKEN AND POSSESSED. NO CARRIER OR POST OFFICE MAY ACCEPT FOR SHIPMENT FROM ALASKA A RAW SKIN OF A WILD FUR ANIMAL OR FUR BEARER UNLESS A FUR EXPORT PERMIT IS ATTACHED. BEFORE SHIPMENT, THE PERSON SHIPPING, MAILING, OR OTHERWISE TRANSPORTING THE RAW SKIN SHALL DETACH THE FUR EXPORT REPORT FROM THE FUR EXPORT PERMIT, AND SHALL COMPLETE IT AND MAIL IT TO THE DEPARTMENT.]

ISSUE: The information obtained from the raw fur skin export cards is not used by the Department of Fish and Game (department) and the department would like to remove this undue burden on the public. If the state regulation requiring the export report form is removed, the hunter or trapper can use anything to label the outside of the box and be in compliance.

WHAT WILL HAPPEN IF NOTHING IS DONE? Hunters and trappers will continue to be confused by overlapping state and federal shipping regulations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Those shipping raw furs out of state.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game

EG050613923

PROPOSAL 145 - 5 AAC . 92.XXX. New Section. Increase the number allowed to apply for party/group hunts to three hunters as follows:

Increase the number of hunters allowed to apply for group hunts. I would prefer the Board of Game and game managers decide the proper number to be considered for a group. I would like to see at least three people in a group. With the current regulations, if four people put in for a group of two each, and don't draw the same unit they can split up. With three, we can't split because one person is not going to venture into the bush alone.

ISSUE: Changing the number of hunters that may be considered as a party for limited draw hunts for moose. Only two people may be considered as a group. Myself and two other friends are planning a moose hunt for 2015. After doing some research into harvest statistics for different units and subunits I found that 30 to 40 % of these permits for limited draw subunits were not used. This is a resident and nonresident problem. For example Unit 23, DM875), 101 people applied for 24 tags. 24 tags were issued, but only 12 people actually hunted. I'm sure there are many reasons why people didn't hunt. One reason could be that there are groups like us that will put in for the draw hunts as a group of two and an individual. If all three of us don't draw we will hunt in a general harvest ticket area. As a group we can apply for three draw areas. The chances of us drawing together are slim. If we don't put in for these draws we are being shut out of some good moose areas.

WHAT WILL HAPPEN IF NOTHING IS DONE? Things will remain the same.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? I would think that this would help game managers.

WHO IS LIKELY TO BENEFIT? Outfitters would benefit from this. After talking to some outfitters, they say they have clients ready to go but they didn't draw. Hopefully more of these draw tags will be used.

WHO IS LIKELY TO SUFFER? I don't see a down side.

OTHER SOLUTIONS CONSIDERED? None

PROPOSED BY: Tod Martin

EG043013844

(Note: The Board of Game approved an Agenda Change Request to consider this proposal at the Statewide Regulations meeting scheduled for March 2014.)

PROPOSAL 146 - 5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts; 5 AAC 92.061. Special provisions for brown bear drawing permit hunts; and 5 AAC 92.069. Special provisions for moose drawing permit hunts. Remove the reference to proof of a guide contract and guide use area registration at the time of application for drawing hunts as follows:

5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts.

(a) In a sheep drawing permit hunt specified in this section, a nonresident may apply for and obtain a permit only as follows:

(1) the department may issue a drawing permit under this section only to a successful nonresident applicant who meets the requirements of this section;

(2) the department shall enter, in a nonresident drawing, each complete application from a nonresident who will be accompanied by a guide or relative; [THE DEPARTMENT MAY ENTER AN APPLICATION FOR THE APPLICABLE HUNT ONLY TO A NONRESIDENT APPLICANT WHO PRESENTS PROOF AT THE TIME OF APPLICATION THAT THE APPLICANT WILL BE ACCOMPANIED BY A

(A) RESIDENT OVER 19 YEARS OF AGE WHO IS THE SPOUSE OR OTHER RELATIVE OF THE APPLICANT WITHIN THE SECOND DEGREE OF KINDRED, AS DESCRIBED IN AS 16.05.407(A); OR

(B) GUIDE, AS REQUIRED UNDER AS 16.05.407 OR 16.05.408, AND THAT THE GUIDE HAS A GUIDE USE AREA REGISTRATION ON FILE WITH THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT IN ACCORDANCE WITH AS 08.54.750 AND 12 AAC 75.230, FOR THE APPLICABLE GUIDE USE AREA DURING THE SEASON THE DRAWING PERMIT IS VALID.]

...

(c) In a goat drawing permit hunt in Unit 13(D), Unit 14(A), and Unit 14(C), a nonresident may apply for and obtain a permit only as follows:

(1) the department may issue a drawing permit under this subsection only to a successful nonresident applicant who meets the requirements of this section;

(2) the department shall enter, in a nonresident drawing, each complete application from a nonresident who will be accompanied by a guide or relative; [THE DEPARTMENT MAY ENTER AN APPLICATION FOR THE APPLICABLE HUNT ONLY TO A NONRESIDENT APPLICANT WHO PRESENTS PROOF AT THE TIME OF APPLICATION THAT THE APPLICANT WILL BE ACCOMPANIED BY A

(A) RESIDENT OVER 19 YEARS OF AGE WHO IS THE SPOUSE OR OTHER RELATIVE OF THE APPLICANT WITHIN THE SECOND DEGREE OF KINDRED, AS DESCRIBED IN AS 16.05.407(A); OR

(B) GUIDE, AS REQUIRED UNDER AS 16.05.407 OR 16.05.408, AND THAT THE GUIDE HAS A GUIDE USE AREA REGISTRATION ON FILE WITH THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT IN

ACCORDANCE WITH AS 08.54.750 AND 12 AAC 75.230, FOR THE APPLICABLE GUIDE USE AREA DURING THE SEASON THE DRAWING PERMIT IS VALID.]

5 AAC 92.061. Special provisions for brown bear drawing permit hunts.

(a) In the Unit 8 general brown bear drawing permit hunt, the department shall issue permits, and a hunter may apply for a permit, as follows:

...

(3) the department shall enter, in a guided nonresident drawing, each complete application from a nonresident who will be accompanied by a guide; [THE DEPARTMENT MAY ENTER AN APPLICATION AND ISSUE A DRAWING PERMIT FOR THE GENERAL HUNT ONLY TO A SUCCESSFUL NONRESIDENT APPLICANT WHO PRESENTS PROOF AT THE TIME OF APPLICATION THAT THE APPLICANT WILL BE ACCOMPANIED BY A GUIDE, AS REQUIRED IN AS 16.05.407 OR 16.05.408];

(4) the following provisions apply to a guided nonresident drawing under this section:

...

(D) if a guided nonresident drawing permit is available, but the alternate list is exhausted, the permit becomes available, by registration at the Kodiak ADF&G office, to the first applicant [FURNISHING PROOF THAT THE APPLICANT WILL BE ACCOMPANIED BY A GUIDE];

...

(b) In the Unit 10 brown bear drawing permit hunt, a nonresident may apply for and obtain a permit only as follows:

(1) the department may issue a drawing permit under this section only to a successful nonresident applicant who meets the requirements of this section;

(2) repealed 7/1/2013;

(3) the department shall enter, in a nonresident drawing, each complete application from a nonresident who will be accompanied by a guide or relative; [THE DEPARTMENT MAY ENTER AN APPLICATION FOR THE APPLICABLE HUNT ONLY TO A NONRESIDENT APPLICANT WHO PRESENTS PROOF AT THE TIME OF APPLICATION THAT THE APPLICANT WILL BE ACCOMPANIED BY A

(A) RESIDENT OVER 19 YEARS OF AGE WHO IS THE SPOUSE OR OTHER RELATIVE OF THE APPLICANT WITHIN THE SECOND DEGREE OF KINDRED, AS DESCRIBED IN AS 16.05.407(A); OR

(B) GUIDE, AS REQUIRED UNDER AS 16.05.407 OR 16.05.408, AND THAT THE GUIDE HAS A GUIDE USE AREA REGISTRATION ON FILE WITH THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT IN ACCORDANCE WITH AS 08.54.750 AND 12 AAC 75.230, FOR THE APPLICABLE GUIDE USE AREA DURING THE SEASON THE DRAWING PERMIT IS VALID].

5 AAC 92.069. Special provisions for moose drawing permit hunts. (a) In a moose drawing permit hunt specified in this section, a nonresident may apply for and obtain a permit only as follows:

(1) the department may issue a drawing permit under this section only to a successful nonresident applicant who meets the requirements of this section;

(2) the department shall enter, in a guided nonresident drawing, each complete application from a nonresident who will be accompanied by a guide; [THE DEPARTMENT MAY ENTER AN APPLICATION FOR THE APPLICABLE HUNT ONLY TO A NONRESIDENT APPLICANT WHO PRESENTS PROOF AT THE TIME OF APPLICATION THAT THE APPLICANT WILL BE ACCOMPANIED BY A GUIDE, AND THAT THE GUIDE HAS A GUIDE USE AREA REGISTRATION ON FILE WITH THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT IN ACCORDANCE WITH AS 08.54.750 AND 12 AAC 75.230, FOR THE APPLICABLE GUIDE USE AREA DURING THE SEASON THE DRAWING PERMIT IS VALID];

ISSUE: Over the last few years, the Board of Game (board) has adopted regulations modifying the requirements for nonresidents applying for guided drawing hunts in specific areas. These regulations were designed to require nonresidents hire a guide who had previously selected a guide use area within the drawing hunt area before they are able to make application. Because guide use area selection is done through a different department in the state, and is completed long after the current drawing application period is closed, the Alaska Department of Fish and Game (department) does not have the ability to verify applicants are selecting a guide that is in compliance with the existing regulations.

Because these regulations have requirements for both the hunter and the guide, it has been determined that the current implementation of these regulations in the drawing application process, by having the nonresident applicant provide the name of the guide they have contacted for the hunt at the time of application, is not sufficient for enforcing the guide responsibilities. To remedy this problem it would be necessary to make significant programming changes to the current application process and to have access to complete and timely electronic information for the Department of Commerce, Community, and Economic Development. The department is willing to discuss solutions to the problems associated with implementing these regulations, without creating an unreasonable workload for the department, but until a new system is developed and implemented, the department considers this regulation unworkable and asks that the board repeal it.

WHAT WILL HAPPEN IF NOTHING IS DONE? Nonresident applicants and guides will fail to be in compliance with regulations that are extremely difficult to enforce.

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

WHO IS LIKELY TO BENEFIT? Guides who want to put their clients in for drawing hunts and then register after the clients have won a permit.

WHO IS LIKELY TO SUFFER? Guides who consistently select the same guide use areas and do not move around the state to provide their services in response to client hunt opportunities.

OTHER SOLUTIONS CONSIDERED? Move these regulations to the Big Game and Commercial Services Board and have all requirements for these regulations handled by that regulatory body.

PROPOSED BY: Alaska Department of Fish and Game

EG050613921

Permits for Possessing Live Game (Clean List)

PROPOSAL 147 - 5 AAC 92.029. Permit for possessing live game. Add five species of domestic finches to the list of animals allowed to be sold and possessed without a permit as follows:

Allow the five most common species of domestic finches to be on the clean list to allow those animals to be kept as pets. Those species are *zebra*, *society*, *gouldian*, *spice*, and *strawberry*.

ISSUE: As it stands now, finches are not on the state’s clean list, and can therefore not be brought into the state for pets. In 2010 when a similar proposal was put forth, one of the five criteria used to assess this species was “Does the species otherwise present a threat to the health or population of a species indigenous to Alaska” and the answer to that question was probably not a threat to wild species found in Alaska. Another one of the five criteria used is “Is the species capable of surviving in the wild in Alaska”. While it is highly doubtful that these animals could survive in the interior in the wild, the Department of Fish and Game (department) noted that there was a possibility of the animal surviving in the southern part of the state. Currently on the clean list are other bird species that are known to survive the winters in Alaska such as turkey and pigeon, yet one can still possess them.

The main reason the department gave for not supporting the original proposal was that it suggested the entire family be added to the clean list. I have refined that down to the five most common types. These five, the *zebra*, *society*, *gouldian*, *spice*, and *strawberry* are not considered threatened, endangered, or vulnerable. It is also my understanding that these five are bred only in captivity, with domestic breeding populations being already firmly established, so there would be no active capture of these animals from the wild.

WHAT WILL HAPPEN IF NOTHING IS DONE? People will not be able to own and enjoy domestic finches in their homes, businesses and schools.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? People who enjoy small birds in their lives.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? No others considered.

PROPOSED BY: Alan Armbruster

EG042613807

PROPOSAL 148 - 5 AAC 92.029. Permit for possessing live game. Add the hamster genus *Phodopus sp.*, to the list of animals allowed to be sold and possessed in Alaska without a permit as follows:

Petco requests the addition of the genus *Phodopus sp.*, of the family Muridae, to 5ACC 92.029. Permit for possessing live game (b) allowing the sale and possession of this genus of hamster without a permit.

ISSUE: The addition of the hamster genus *Phodopus sp.* to the list of animals allowed to be sold and possessed in the state of Alaska without a permit.

WHAT WILL HAPPEN IF NOTHING IS DONE? Our customers will not be able to have the companion pet that is incredibly popular and which helps teach children responsibility and compassion.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No, it is not applicable.

WHO IS LIKELY TO BENEFIT? The pet industry, our customers who want this companion animal, and the state, as it would ease the burden of enforcement as well as generating additional tax income due to sales.

WHO IS LIKELY TO SUFFER? Our customers. Petco sells *Phodopus sp.* in over 1000 stores, nationwide as they are very popular pocket pets. Additionally, the tax income generated by sales of *Phodopus sp.* supplies is vast so the state loses money by not allowing the sale of this hamster.

OTHER SOLUTIONS CONSIDERED? The only other solution is to leave the regulation as it is currently written. This choice was rejected for two reasons: (1) our customers would like this companion animal and (2) the state has limited resources and more pressing areas to focus on.

PROPOSED BY: Petco EG042913822

PROPOSAL 149 - 5 AAC 92.041. Transport, harboring or release of live Muridae rodents prohibited. Clarify when Muridae rodent are allowed as pets, and when an emergency permit may be issued to allow uncaged rodents to enter the state due to extreme circumstances as follows:

5 AAC 92.141. Transport, harboring, or release of live Muridae rodents prohibited.

(a) It is unlawful [FOR THE OWNER OR OPERATOR OF A VESSEL, VEHICLE, AIRCRAFT, STRUCTURE BEING TRANSLOCATED, OR OTHER MEANS OF CONVEYANCE TO KNOWINGLY OR UNKNOWINGLY] **without a permit issued by the department for anyone to transport or harbor live uncaged Muridae rodents in a vessel, vehicle, aircraft, structure being translocated, or other means of conveyance,** or to enter this

state, including the waters of this state, while [KNOWINGLY OR UNKNOWINGLY] transporting or harboring live uncaged Muridae rodents.

(b) [IT IS UNLAWFUL FOR AN INDIVIDUAL TO RELEASE TO THE WILD A LIVE MURIDAE RODENT.] Except for a facility where a Muridae rodent eradication plan has been developed and implemented, it is unlawful for the owner or operator of any facility to harbor live uncaged Muridae rodents. The owner or operator of any facility in which live uncaged Muridae rodents or signs of such rodents including tracks, droppings, chew marks, and nests have been found shall: (i) notify the department in writing within 30 days of detection; (ii) develop and implement a written ongoing rodent eradication or control plan, the intent of which is to eliminate all Muridae rodents or prevent the spread of Muridae rodents beyond the facility, and which shall be provided to the department upon request; and (iii) allow representatives of the Department of Fish and Game or the Department of Public Safety to inspect the facility during business hours for compliance with this section.

(c) [IT IS UNLAWFUL FOR THE OWNER OR OPERATOR OF A FACILITY TO KNOWINGLY OR UNKNOWINGLY HARBOR LIVE MURIDAE RODENTS. THE OWNER OR OPERATOR OF A HARBOR, PORT, AIRPORT, OR FOOD PROCESSING FACILITY IN WHICH LIVE MURIDAE RODENTS HAVE BEEN FOUND SHALL DEVELOP AND IMPLEMENT AN ONGOING RODENT RESPONSE AND ERADICATION OR CONTROL PLAN.] “uncaged” means not intentionally confined by the owner to a cage or similar container that prevents escape.

(d) “facility” includes harbors, ports, airports, railroads, landfills, warehouses, storage yards, cargo handling sites, and establishments that serve, process, or store human or animal food.

ISSUE: Regulation 5 AAC 92.141(a), which prohibits harboring or transporting all live Muridae rodents, conflicts with regulation 5 AAC 92.029(b), which allows possession, importing, transporting, breeding and commerce with some Muridae rodent species including varieties of the European house mouse, albino Norway rats, and gerbils. This conflict results in confusion for pet owners and dealers, law enforcement agencies, and shippers including airlines and the Alaska Ferry System over the legality of importing and possessing Muridae rodents that may be legally possessed under 5 AAC 92.029(b).

Regulation 5 AAC 92.141 also lacks a provision authorizing the commissioner to issue a permit to import, harbor, or transport live uncaged Muridae rodents when it is in the public’s interest to do so. In 2011 the lack of a permitting provision resulted in confusion when the US Coast Guard seized the vessel, *Bangun Perkasa*, for illegally fishing in the North Pacific. A boarding party determined the vessel harbored uncaged rats. Weather at the time was predicted to become rough and there were concerns for the vessel’s seaworthiness, so the Coast Guard planned to escort the vessel to a sheltered anchorage in or near Unalaska/Dutch Harbor. Prior to entering state waters the Coast Guard learned of the prohibition against importing uncaged rats in 5 AAC 92.141 and contacted the Department of Fish and Game (department) for permission to do so. Without clear permitting authority, the department first needed to ask the Department of Law if we had legal

authority to approve entry. Eventually the Department of Law determined that the department had sufficient statutory authority, and the commissioner authorized the Coast Guard to bring the vessel into state waters subject to a rat control plan approved by stakeholders. Providing authority in this regulation will clarify the commissioner's ability to issue permits.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulations 5 AAC 92.141(a) and 5 AAC 92.029(b) will continue to conflict, and the department will continue to lack clear authority to permit import and transport of uncaged Muridae rodents when it is in the public's interest.

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

WHO IS LIKELY TO BENEFIT? The public.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: The Department of Fish and Game. EG050613925

PROPOSAL 150- 5 AAC 92.030. Possession of wolf and wild cat hybrids prohibited.

Clarify regulation prohibiting possession of a wolf or wolf hybrids as follows:

If the Board of Game (board) adopted this change to regulation it would read as follows;

5 AAC 92.030(a). It is unlawful, without a permit issued by the department, for a person to possess, transport, sell, advertise or otherwise offer for sale, purchase, or offer to purchase a **wolf or** wolf hybrid.

ISSUE: Add the word "wolf" in 5 AAC 92.030(a) to make it unlawful to possess a "wolf" or wolf hybrid.

WHAT WILL HAPPEN IF NOTHING IS DONE? If the board does not fix this issue in regulation, it will be unclear whether 5 AAC 92.030 makes it unlawful for a person to possess, transport, sell, advertise, or otherwise offer for sale, purchase, or offer to purchase a wolf.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No. This is a house keeping issue and addresses the board's intent in prohibiting the possession of a wolf or a wolf hybrid.

WHO IS LIKELY TO BENEFIT? The public will benefit through clear regulations which convey the intent of the board.

WHO IS LIKELY TO SUFFER? Persons who want to possess or sell wolves or wolf hybrids

OTHER SOLUTIONS CONSIDERED? Not adding this to regulation. Rejected because it is a problem that needs to be addressed.

PROPOSED BY: Alaska Wildlife Troopers

EG051613950

Migratory Birds/Waterfowl

PROPOSAL 151 - 5 AAC 92.013. Migratory bird hunting guide services. Require guides to keep migratory bird log books and questionnaires as follows:

5 AAC 92.013. Migratory bird hunting guide services

A log book made available to all migratory bird hunting guides to fill out important daily harvest data. Guides will either submit this log or enter it into user friendly online survey to communicate sea duck harvest by March 1st following the harvest seasons or they will be unable to purchase a license or register for the following year's season.

(a)(2) the area **hunting areas within units** in which the migratory bird hunting guide will operate; and

(a)(3) the name, address, and telephone number of any business that employs the migratory bird hunting guide or that the guide is affiliated with for the purposes of providing migratory bird hunting guiding services **such as water taxis lodges and fishing charter outfitters.**

(a)(4) A check off by species will be provided to discern the intent to guide clients for sea duck harvest to determine if they will be required to participate in the online survey

...

(c)(2) "migratory bird hunting guide services" means to assist, for compensation or with the intent to receive compensation, a migratory bird hunter to take or attempt to take migratory birds by accompanying or personally directing the hunter in migratory bird hunting activities;

(d) In addition to the annual registration in (a) above, a migratory bird hunting guide shall submit online no later than March 1st after the closure of migratory bird hunting seasons, a completed species/gender/ client/ area/ crippling, questionnaire provided online by the department, of the previous seasons hunting activity that includes at least the following information:

(1) A log of the names, permanent residence address, mailing address, and phone number of the daily migratory bird hunters guided;

(2) A map showing the areas within the units in which the migratory bird hunting guide operated; and

(3) the number of each species (*not Genera*) of sea duck (including goldeneye) taken;

(For instance surf scoter, black scoter, or white winged scoter (not Scoter). Common goldeneye, Barrows goldeneye, (not goldeneye etc.)

(4) The gender of each sea duck species taken;

(5) Number, species, and gender of crippled birds per day not recovered;

(6) Number of birds taken by the guide or assistant guide per day;

(e) Guides shall submit answers to an easy to use check off survey using their daily log of sea duck harvest activity by March 1 following the harvest seasons before they can purchase a license or register for the following years season.

ISSUE:

- 5 AAC 92.013. Migratory bird hunting guide services
- Migratory bird managers need accurate harvest data of certain limited migratory bird species like tribe Mergini (sea ducks) this includes goldeneye species.
- The only available long term breeding population and habitat surveys show most species of Tribe Mergini including goldeneye have shown trends below long term averages for decades.
- Through the registration process, migratory bird guides can submit accurate and detailed harvest data to improve management and aid managers.
- The Sea Duck Joint Venture has shown that present harvest data is scanty and inaccurate.
- Alaska must contribute to the mandates of the Migratory Bird Treaty and the bilateral conventions for the *“protection of each species and recognized population.”*
- Hunters have played an important role in both wildlife management and wildlife conservation. As long as we can continue this alliance and do our part to promote stable to increasing populations the future of hunting and the birds will remain secure.

WHAT WILL HAPPEN IF NOTHING IS DONE?

- Birds showing trends below long term averages for decades require us to pay attention to all mortality including human harvest.
- Management requires accurate data for these least understood and less abundant K-selected sensitive species.
- Without accurate harvest data collection, fulfilling the goal of sustainable biologically based management is not possible.
- Species with more sensitive K-selected diver reproductive strategies cannot compensate for harvest mortality as readily as r-selected dabblers that are above or at long term averages.
- Species below long term averages shows a vulnerability that needs to be monitored to aid sustainable, healthy populations as per the North American Waterfowl Management Plan and Migratory Bird Treaty Act.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes. Guides will become more educated and aware of each species, gender, and crippling numbers to aid in producing more accurate quality harvest data for quality sustainable management.

WHO IS LIKELY TO BENEFIT? The billion people within the Migratory Bird Treaty countries who share concern for this resource in Canada, Mexico, United States, Japan, and Russia. Guides will benefit from educating themselves and providing data of the significance and importance of migratory birds below long term averages with sensitive reproductive strategies.

WHO IS LIKELY TO SUFFER? Those who do not share concern to assist a tribe of birds showing depleted status.

OTHER SOLUTIONS CONSIDERED? I did not reject them and I hope you consider them: Better: Include water taxis, fishing charter outfitters, combo hunting/fishing boats, captains and lodges, all of who participate in guiding for waterfowl as required to register. Adding these professionals would collect more accurate data and more factual representation of guided harvest participants. Best: Include all sea duck hunters in a user friendly online survey to allow all to participate in sustainable sea duck management

PROPOSED BY: Sea Ducks Unlimited Inc.

EG050113874

PROPOSAL 152 - 5 AAC 92.990. Definitions. Modify the definition of edible meat for wildfowl as follows:

(17) "edible meat" means, in the case of **wildfowl** or a big game animal, except a black bear, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and the meat along the backbone between the front and hindquarters; in the case of a black bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); [IN THE CASE OF WILD FOWL, THE MEAT OF THE BREAST;] however, "edible meat" of big game or wild fowl 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;

ISSUE: The definition of "edible meat" pertaining to wildfowl. Requiring only the meat of the breast of wildfowl squanders the remaining meat on the bird. This outdated definition promotes wanton waste and lack of respect for the resource, especially in those populations of migratory bird species that are below long term averages.

WHAT WILL HAPPEN IF NOTHING IS DONE? More edible meat is available on wildfowl than just the breast. Promotion through regulation of wanton waste of edible meat from harvested wildlife continues to educate generations of Alaskans that squandering of meat is acceptable behavior. Waste of meat is unacceptable. Ripping out only the breast of wildfowl and leaving the remaining edible leg, wing and body meat produces wanton waste and added spoilage potential.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? A whole plucked bird, compared to a ripped out breast

salvages more quality edible meat that will not spoil as rapidly. The carcass of the bird can be boiled or roasted and made into soup producing another meal.

WHO IS LIKELY TO BENEFIT? Those who understand and have learned how easy it is to pluck birds efficiently and who harvest wildfowl to eat and enjoy the taste.

WHO IS LIKELY TO SUFFER? Those who have not learned how to pluck a bird, do not care to take care of their meat or who harvest birds to kill but not to eat

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. EG050113856

PROPOSAL 153 - 5 AAC 92.990. Definitions. Modify the definition of hindquarter for wildfowl as follows:

(56) "hindquarter" means the hind leg, excluding the pelvis, **unless wildfowl to include pelvis;**

ISSUE: Definition of hindquarters to include wildfowl pelvis used in conjunction with edible meat definition of wildfowl.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued wanton waste of wildfowl meat from an outdated regulation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Quality and quantity of meat.

WHO IS LIKELY TO BENEFIT? All from gaining meat.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. EG050113858

PROPOSAL 154 - 5 AAC 92.990. Definitions. Modify the definition of trophy to include salvage of edible meat, and to include wildfowl as follows:

(42) "trophy" means **after all edible meat has been salvaged,** a mount of a big game animal, **or wildfowl,** including the skin of the head (cape) or the entire skin, in a lifelike representation of the animal, including a lifelike representation made from any part of a big game animal; "trophy" also includes a "European mount" in which the horns or antlers and the skull or a portion of the skull are mounted for display;

ISSUE: Definition of “trophy” to include wildfowl and meat of trophy must be salvaged. Trophies for wildfowl are not addressed in the regulations. It is important to delineate removal of wildfowl taken as a trophy from wildfowl that are eaten for food. “Trophy” requires confirmation that this practice does not remove the responsibility to salvage meat.

WHAT WILL HAPPEN IF NOTHING IS DONE? Indifference, lack of understanding and respect of the resource. Edible meat will continue to be squandered for an ornament.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes, edible meat is not unwittingly squandered.

WHO IS LIKELY TO BENEFIT? All as they would still have to keep the carcass cool to prevent spoilage but they would get the bonus of edible meat to eat with their trophy.

WHO IS LIKELY TO SUFFER? Those who don't hunt to eat or want edible meat but just seek a skin.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

EG050113862

PROPOSAL 155 - 5 AAC 92.990. Definitions. Modify the definition of possession limit for migratory birds as follows:

(71) "possession limit",

(A) A prescribed possession limit for migratory game birds in a person’s custody includes those that are canned, frozen, smoked, dried or otherwise processed for human consumption. It is no more than the cumulative days bag limit, of a species or designated aggregate of species in a specified geographic area.

Removal of waterfowl or other migratory birds, from possession limit can occur only when consumed or gifted before commencing hunting. Gifted birds counts against daily limit total and requires your name and license information to be attached to the bird except if you gift the bird at someone’s residence.

All birds in possession require that a feathered wing or head be attached during transport to processed condition or your home freezer.

[MEANS THE MAXIMUM NUMBER OF LAWFULLY TAKEN MIGRATORY GAME BIRDS OF A SINGLE SPECIES DESIGNATED AGGREGATE OF SPECIES THAT MAY BE POSSESSED BY ANY ONE PERSON IN ANY SPECIFIED GEOGRAPHIC AREA FOR WHICH A POSSESSION LIMIT IS PRESCRIBED;]

(B) for resident game birds, means whole birds or the edible meat of game birds, excluding those that are canned, frozen, smoked, dried or otherwise processed for human consumption [AFTER A 15 - DAY PERIOD;]

ISSUE: Possession regulations for migratory birds are different from upland resident game birds however; this difference is not clearly understood by the public. A well-defined definition for possession limit for migratory birds as compared to resident birds promotes sustainability and needs clarification.

Migratory birds are federally protected by The Migratory Bird Treaty Act of 1918. They are shared by five signatory countries due to unwitting indiscriminant, waste in the late 1800's that led to extinctions even without motorized vehicles or boats.

Possession limit is designed so the birds remain sustainable for all citizens of Canada, Mexico, Russia, Japan and the United States including Alaska, to share into perpetuity the miracle of migratory birds.

Federal rules state possession limits, depending on species of "no more than" a certain days bag limit, can be in a person's possession.

Possession means the number of birds in your freezer, in a stew, in your truck, in your boat anywhere... period. Turning ducks and geese into jerky or sausage does not remove them from your possession.

Removal of migratory birds from possession can only occur when consumed or gifted. You can gift birds, but any gifted bird counts against your daily limit total and requires your name and license info to be attached to the bird. Migratory birds must be tagged before being left any place other than the hunter's residence or placed in the custody of another person for any purpose.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion will continue of what possession limit for federally protected migratory game birds as compared to state resident game birds, actually means and why the regulation has value.

The intent of possession limit for migratory birds is so people consume their birds including all processed forms of birds prior to hunting again as incentive to eat what they have killed and processed first, to prevent squander.

State resident bird possession limits excludes processed birds from the possession limit. Like fish, many birds are squandered when stock piled in the freezer getting freezer burned then thrown out wasted.

People who harvest birds need to have clear regulations that are easily understood, not obscured, to reduce confusion or contention that leads to federal or state violation of birds under treaty or state law..

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Clarity of possession limits promotes sustainability of all bird species. People who harvest birds need to have clear regulations that are easily understood not obscure so they can understand the meaning and intent.

WHO IS LIKELY TO BENEFIT? All one billion citizens from the five signatory countries of the Migratory Bird Treaty: Canada, Russia, Mexico, Japan, and the United States benefit from sustainable migratory bird populations into perpetuity

WHO IS LIKELY TO SUFFER? Those who don't understand the history or importance of sustaining migratory bird populations into perpetuity, or the significance of the Migratory Bird Treaty Act and the billion citizens who share this resource.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

EG050113868

Sealing and Salvage Requirements

PROPOSAL 156 - 5 AAC 92.990. Definitions. Modify the definition of processed for human consumption as follows:

(54) "processed for human consumption" means prepared for immediate consumption or [PREPARED] **preserved** in such a manner, [AND IN AN EXISTING STATE OF PRESERVATION], **to prevent edible meat from spoiling, rotting or going to waste**, as to be fit for human consumption after a [15] day period.

ISSUE: Definition of "processed for human consumption."

WHAT WILL HAPPEN IF NOTHING IS DONE? With the high percentage of harvested meat spoiling prior to preserving for human consumption, stronger wording is needed to reduce this waste. Confusion as to importance of not allowing meat to spoil or rot and of food safety.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes, quality of meat can be improved. With the high percentage of harvested meat spoiling prior to preserving for human consumption, stronger wording can alert harvesters of the need to reduce this waste and the danger of meat not cared for properly.

WHO IS LIKELY TO BENEFIT? All who will enjoy a higher quality and quantity edible meat.

WHO IS LIKELY TO SUFFER? Those who do not care about quality or quantity meat or food safety.

OTHER SOLUTIONS CONSIDERED? Add comprehensive food safety to hunter education.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. EG050113871

PROPOSAL 157- 5 AAC 92.990. Definitions. Modify the definition of salvage as follows:

(49) "salvage" means to transport **in as cool a temperature, as quickly as possible and protected from any heat source** the **freshly killed** edible meat, skull, or hide, as required by statute or regulation, of a game animal or wild fowl to the location where the edible meat will be [CONSUMED BY HUMANS OR] processed for human consumption in order to [SAVE] **preserve** or prevent the edible meat from **spoiling, rotting or going to** waste, **until consumed by humans**, and the skull or hide will be put to human use;

ISSUE: A high percentage of harvested meat spoils prior to preserving for human consumption. Stronger wording in salvage are needed to promote reduction of this waste.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued indifference as to importance of not allowing meat to spoil or rot.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Quality meat fit for human consumption.

WHO IS LIKELY TO BENEFIT? Everyone from reducing waste of our wildlife.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Monetary fines to instill understanding that speed of processing meat is required and spoilage is not condoned.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

EG050113857

PROPOSAL 158 - 5 AAC 92.990. Definitions. Modify the definition of edible meat for brown bear as follows:

(17) "edible meat" means, in the case of a big game animal, except bears, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and the meat along the backbone between the front and hindquarters; in the case of a [BLACK] bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of wild fowl, the meat of the breast; however, "edible meat" of big game or wild fowl 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;

ISSUE: In units with brown bear meat salvage requirements the current definition requires brown bear hunters to salvage additional meat (ribs, neck, and brisket) not required to be salvaged for a black bear. This definition causes confusion about salvage requirements and requires brown bear hunters to salvage meat normally considered lower in quality and less desirable. I ask the Board of Game to change the definition of edible meat to read the same for brown and black bears.

WHAT WILL HAPPEN IF NOTHING IS DONE? Hunters will be forced to salvage lower quality meat unnecessarily. This harvest requirement will potentially dissuade hunters from harvesting an animal that they otherwise would have harvested due to the additional salvage, time and transport requirements.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Brown bear hunters who hunt in areas with meat salvage requirements.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? No other solutions considered.

PROPOSED BY: Adam Lammers

EG042913816

PROPOSAL 159 - 5 AAC 92.220. Salvage of game meat, furs, and hides. Remove the meat salvage requirement for brown bear taken over bait station as follows.

ISSUE: Brown bear salvage requirements that force hunters to salvage meat that may be inedible. Also it is confusing to hunters because salvage requirements are different for brown bears and black bears.

WHAT WILL HAPPEN IF NOTHING IS DONE? Unreasonable salvage requirement for meat that may be inedible.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Keeps hunters from being required to salvage poor quality meat.

WHO IS LIKELY TO BENEFIT? Those hunters who harvest brown bears over bait who do not wish or are unable to eat the meat that has been harvested.

WHO IS LIKELY TO SUFFER? None. Meat may still be salvaged if it is determined to be of good quality.

OTHER SOLUTIONS CONSIDERED? Require same salvage criteria as black bear. Rejected because brown bear are more likely to be consuming rotten meat prior to harvest, rendering their meat inedible.

PROPOSED BY: Joel Doner

EG042313754

PROPOSAL 160 - 5 AAC 92.990 (a)(17). Definition of edible meat. Change the definition of the edible meat of a brown bear to match the definition of the edible meat of a black bear as follows:

(a)(17) “edible meat” means, in the case of a big game animal, except a black **or brown** bear, the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and the meat along the backbone between the front and hindquarters; in the case of a black **or brown** bear, the meat of the front quarters and hindquarters and the meat along the backbone (backstrap); in the case of wild fowl, the meat of the breast; however, “edible meat” of big game or wild fowl 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;

ISSUE: Currently the edible meat of a brown bear is categorized differently than the edible meat of a black bear. This causes confusion among bear hunters in areas where meat salvage is required for both. This proposal would align the meat salvage requirement for both brown and black bear.

WHAT WILL HAPPEN IF NOTHING IS DONE? Hunters will continue to be confused when it comes to what parts of a brown bear are required to be salvaged in hunts that require the salvage of edible meat.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Hunters who are trying to comply with regulations.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game EG050613918

PROPOSAL 161 - 5 AAC 92.990. Definitions. Modify the definition of edible meat for brown bear to match black bear as follows:

Definitions: edible meat....black, brown, or grizzly bear: the meat of the front quarters and hind quarters and meat along the backbone (backstrap).

ISSUE: The definition of edible meat does not include grizzly bear. The edible meat of black bear is defined but not brown bear meat. When baiting brown or grizzly bears the requirement is to salvage "edible meat" which is a lot more than what is required of black bear. So either the black bear edible meat definition can be changed to say "bear" by omitting the word "black" OR add the words grizzly or brown bear to the black bear definition.

WHAT WILL HAPPEN IF NOTHING IS DONE? Hunters can be confused with two different salvage requirements for bear meat.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Bear hunters using bait for grizzly or brown bears.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Eliminating salvage requirement for brown or grizzly bears taken over bait. Did not reject.

PROPOSAL 162 - 5 AAC 92.230. Feeding of game. Clarify that brown bears can be taken over bait under the conditions of a permit issued under 5 AAC 92.044 as follows:

5 AAC 92.230. Feeding of game. Except as provided in (b) of this section or under the terms of a permit issued by the department, a person may not

(1) negligently feed a moose, deer, elk, sheep, bear, wolf, coyote, fox, wolverine, or deleterious exotic wildlife, or negligently leave human food, animal food, mineral supplements, or garbage in a manner that attracts these animals;

(2) intentionally feed a moose, deer, elk, sheep, bear, wolf, coyote, fox, wolverine, or deleterious exotic wildlife, or intentionally leave human food, animal food, mineral supplements, or garbage in a manner that attracts these animals.

(b) The prohibitions described in (a) of this section do not apply to the use of bait for trapping furbearers or deleterious exotic wildlife, or hunting [BLACK] bears under 5 AAC 92.044, or hunting wolf, fox, or wolverine with bait as described under 5 AAC 92.210, and elsewhere under 5 AAC 84 – 5 AAC 92.

ISSUE: This regulation allows the use of bait for hunting black bears under the terms of a baiting permit. In 2012 the Board of Game (board) allowed the take of brown bears at bait stations but did not change this regulation to allow those practices. The result is two conflicting regulations, by changing this regulation to match the board’s intent the two will no longer be in conflict.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be differing regulations regarding what hunters can and can’t do at bait stations dependent on the targeted species.

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

WHO IS LIKELY TO BENEFIT? Hunters will benefit greatly by being able to more clearly understand what is and is not allowed at bait stations because the regulations regarding the two species will be more closely aligned.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSAL 163 - 5 AAC 92.990(4). Definitions. Allow the use of bear meat and bones not required to be salvaged as bait as follows:

...except bear (black brown or grizzly) meat that is not required to be salvaged may be moved from the kill site and used as bait.

ISSUE: Amend the definition of bait: Add an exemption to the end of the definition to further read: “except bear (black brown or grizzly) meat that is not required to be salvaged may be moved from the kill site and used as bait.”

WHAT WILL HAPPEN IF NOTHING IS DONE? Bears taken over bait are moved immediately and typically whole and intact if possible so the bait site is not scented up with hunters scent and sound. Actually skinning a bear at the kill site will damage the bait site. Meat and bones of bears that is not required to be salvaged should be allowed to be returned to a bait site.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Maybe and maybe not. It may help attract grizzlies and scare off black bears if bear meat is left at the bait.

WHO IS LIKELY TO BENEFIT? Bear hunters will be able to use unsalvaged meat for bait instead of discarding it somewhere else or somehow.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Smokey Don Duncan

EG050113865

Intensive Management

PROPOSAL 164 - 5 AAC 92.106. Intensive management of identified big game prey populations. Require the department to compile a yearly predator management/predator control report as follows:

We suggest the Board of Game (board) adopt a regulation that requires the Alaska Department of Fish and Game (department) to:

(a) 1) Each report should define the goal and justification for predator management/predator control/intensive management in each site specific area.

2) The report should identify the annual financial cost of predator management/predator control for each area. This should fully indicate all costs borne by the state (fixed wing aircraft, helicopter, staff time providing permits directly associated with the program, meeting costs, printing costs, advertising, law enforcement).

3) It should include a quantitative assessment of the scale of reduction in predator numbers and increases in prey numbers by species.

4) It should include a cost/benefit analysis. i.e. approximate value in dollars created through prey number increases versus costs of doing predator control.

5) It should include for each area how well the program ensured that predators as well as prey were being maintained on a sustained yield basis. This request is based upon Article VIII of the Alaska Constitution and Sullivan v. Resisting Environmental Destruction on Indigenous Lands et al (March 29, 2013).

(b) Yearly state the cumulative effects of:

b) Yearly state the cumulative effects of:

1) predator control on the predators in the subject unit/subunit/management area.

2) any change in the means and methods of hunting/trapping.

(c) See Sullivan v State of Alaska, decided March 29, 2013 which said the State of Alaska (state) has a constitutional duty under Article VIII to file a yearly statement of cumulative effects of its policies.

ISSUE: a) Lack of publicly available information on the cumulative effects of predator control on predators within each unit, and each subunit, each smaller management unit. b) The lack of publicly available information on the cumulative effect of changes to means and methods of

harvesting predators (hunting/trapping) as to sustained yield of the species and the corpus of that species.

WHAT WILL HAPPEN IF NOTHING IS DONE? The public will be denied information on the state's management of its scarce, renewable resources. Lack of information causes a loss of trust by the public in the state's management of its trust obligations and renewable resources will not receive the constitutional protection they / it deserve.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? The proposal would affect the quality of the information produced by the state/board/department and also lead to better management of renewable resources and hence the quality of the resource.

WHO IS LIKELY TO BENEFIT? The citizens of Alaska are likely to benefit from access to better information and that will lead to better renewable resource management.

WHO IS LIKELY TO SUFFER? No one will suffer if citizens have better information.

OTHER SOLUTIONS CONSIDERED? The duty to file cumulative reports was a new requirement. Each relevant section could be modified but that requires many amendments; therefore, an entirely new section should be adopted and placed at the beginning of Chapter 92.

PROPOSED BY: Ronald West and Paul Joslin EG042913821

PROPOSAL 165 - 5 AAC 92.116(a). Special provisions in predation control areas. Remove the requirement for the Department of Fish and Game to issue permits to sell untanned hides with claws attached and skulls of black bears taken in active predator control areas. In addition, remove the section that allows hunters who have been airborne to harvest a black bear over bait in active predator control areas, since this is now allowed under general baiting seasons in most areas as follows:

5 AAC 92.116. Special provisions in predation control areas. (a) **repealed.** [FOR BLACK BEARS TAKEN IN AN ACTIVE PREDATION CONTROL AREA,

(1) THE DEPARTMENT WILL ISSUE PERMITS ALLOWING HUNTERS TO SELL UNTANNED HIDES, WITH CLAWS ATTACHED, AND SKULLS AFTER SEALING AS REQUIRED IN 5 AAC 92.165;

(2) A HUNTER WHO HAS BEEN AIRBORNE MAY TAKE OR ASSIST IN TAKING A BLACK BEAR WITH THE USE OF BAIT OR SCENT LURES UNDER A PERMIT ISSUED BY THE DEPARTMENT, IF THE HUNTER IS AT LEAST 300 FEET FROM THE AIRPLANE AT THE TIME OF TAKING.]

...

ISSUE: This regulation is no longer necessary because untanned black bear hides with claws attached and black bear skulls can legally be sold under general hunting regulations without a

permit on a statewide basis. Sealing is still required for hides and skulls intended for sale and removing this regulation will not change the sealing requirement.

From 2011 to 2012, the Board of Game(board) considered each unit individually and allowed the take of black bears at bait stations the same day the hunter has been airborne in areas where the population could handle the possible additional increase in harvest and in places where it would not create unnecessary conflict between users. At the time the regulation was passed, all units that had predator control areas were included. Since this regulation was passed, two more predator control plans have been established by the board, in Units 1A and 3. In these areas, no public control permits will be issued, as the control will be done by contracted trappers, so the regulation would not have applied anyway.

WHAT WILL HAPPEN IF NOTHING IS DONE? For 5AAC 92.115(a)(1), nothing will happen aside from an unnecessary regulation remaining in place. For 5AAC 92.115(a)(2), if the Department of Fish and Game issues any predator control permits in Units 1A or 3 hunters will be allowed to harvest black bears at bait stations the same day they have flown.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? N/A.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game

EG050613919

Definitions

PROPOSAL 166 - 5 AAC 92.990. Definitions. Establish a definition for transporter as follows:

() Transporter means: Air taxis; water taxis, fishing charter outfitters; combo hunting/fishing outfitters; captains of private boats; and lodges;

A business or affiliated business, that assists hunters; transports hunters; personally directs hunters in hunting activities and either waits for these clients as they hunt or drops them off and returns to pick up them up; for compensation, or with the intent to receive compensation, to a specified destination, by land, air or sea.

ISSUE: Businesses that transport harvesters for monetary pay are diverse and are a big part in the equation of wildlife management. This segment of professionals is not defined in regulation. Transporters include but are not limited to: air taxis; water taxis; fishing charter outfitters; combo hunting/fishing boats; captains in private boats; and lodges when they receive compensation.

WHAT WILL HAPPEN IF NOTHING IS DONE?

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Managers and all for clarification.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

EG050113855

PROPOSAL 167 - 5 AAC 92.990. Definitions. Establish a definition for guide and “assistant guide as follows:

Guide and assistant guide means those present, assisting or directing during the hunting activity for compensation that are not a paying client.

ISSUE: Define guide, assistant guide, registered guide, big game guide, etc. to avoid confusion.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion over what is a guide, big game guide, assistant guide, registered guide, waterfowl guide etc. in regulations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? No one.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

EG050113854

PROPOSAL 168 - 5 AAC 92.990. Definitions. Establish a definition for "brow palm" as follows:

Define the term "brow palm" as it pertains to the taking of a legal moose in a restricted antler moose hunt. The terms "point", "tine", "brow tine", "moose antler" and "naturally shed antler" are currently defined. Since "brow tines" originate from the "brow palm", it would be appropriate to define this term.

ISSUE: If the board chooses to define this term it should be based upon recommendations from the Department of Fish and Game (department) and the public. Consideration should be given to other areas where the term "brow palm" is defined. Alaska Wildlife Troopers (AWT) will be able to comment as to the enforceability of this term and will be able to assist in drafting the definition.

WHAT WILL HAPPEN IF NOTHING IS DONE? The term "brow palm" is used in regulation and the "handy dandy" regulation booklet. This term continues to be a problem when faced with enforcement of regulations that require a hunter or enforcement to determine what a "brow palm" is when taking a moose under antler restricted hunts. If this term is not defined by the board, AWT and the public will continue to struggle when determining if the antler configurations comply with the board's intent.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes. By defining this term, the public will have a better understanding of a legal animal. Further, AWT and department biologists will have a defined term to work with.

WHO IS LIKELY TO BENEFIT? All users of this resource, the department and AWT will benefit through the definition of this term.

WHO IS LIKELY TO SUFFER? Persons wishing to shoot a bull moose that does not comply with the antler restriction configuration.

OTHER SOLUTIONS CONSIDERED? Not defining this term. Rejected because it is a problem that needs to be addressed.

PROPOSAL 169 - 5 AAC 92.990. Definitions: Establish a definition for “broken” as it pertains to full-curl horn as follows:

Define the term "broken" as it pertains to the definition of "full-curl horn" and Dall sheep.

ISSUE: The term "broken" is used in 5AAC 92.990(19) and states that; full-curl horn of a male (ram) Dall sheep means that:

- (A) the tip of at least one horn has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or
- (B) both horns are broken, or
- (C) the sheep is at least eight years of age as determined by horn growth annuli.

If the Board of Game chooses to define this term it should be based upon recommendations from the Department of Fish and Game (department) and the public. Consideration should be given to other areas in North America where the term 'broken' is defined. Alaska Wildlife Troopers (AWT) will be able to comment as to the enforceability of this term and will be able to assist in drafting the definition.

WHAT WILL HAPPEN IF NOTHING IS DONE? The term broken continues to be a problem when faced with enforcement of this regulation. Further, the public has difficulty determining if a Dall sheep is legal when attempting to take the animal under (B) of this regulation. If “broken” is not defined, both the public and enforcement will continue to make their best guess as to the boards intent.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes. By defining this term, the public will have a better understanding of a legal animal. Further, AWT and department biologists will have a defined term to work with.

WHO IS LIKELY TO BENEFIT? All users of this resource, the department and AWT will benefit through the definition of this term.

WHO IS LIKELY TO SUFFER? Persons wishing to shoot Dall sheep under the 'broken' exception when the sheep does not satisfy the perceived requirement.

OTHER SOLUTIONS CONSIDERED? Not defining this term. Rejected because it is a problem that needs to be addressed.

PROPOSAL 170 - 5 AAC 92.990. Definitions. Modify the definition for full-curl horn as follows:

(19) full-curl horn of a male (ram) Dall sheep means that

(A) the tip of at least one horn has grown through 360 degrees described by the outer surface of the horn, as viewed from the side, or

(B) the tip of at least one horn has grown through the plane of the bridge of the nose, as viewed from the side, and determined using the Department of Fish and Game's standardized "sheep horn jig"; or

(c) both horns are broken, or

(d) the sheep is at least eight years of age as determined by horn growth annuli.

ISSUE: The definition of a full-curl sheep.

WHAT WILL HAPPEN IF NOTHING IS DONE? The ongoing confusion among hunters, inconsistencies in application and enforcement by state employees, and increasing (and unnecessary) animosity of the hunting public toward the Department of Fish and Game will continue. Fewer hunters will try sheep hunting for the first time, and others will quit after bad experiences with the current definition and application of a legal sheep. Nonresident hunters will continue to hear bad reports about Alaska's poorly defined and applied "full-curl" rule, and some will decide not to hunt in Alaska.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Fewer sublegal rams will be harvested if hunters understand how the definition will be applied, i.e. the standardized jig will be used.

WHO IS LIKELY TO BENEFIT? The intent is that everyone involved in sheep hunting now or in the future and the state employees that determine legal sheep will all benefit.

WHO IS LIKELY TO SUFFER? Can't think of anyone who would suffer from a more understandable, field-useable, and enforceable regulation.

OTHER SOLUTIONS CONSIDERED? Wait for the Division of Wildlife Conservation to come up with a better definition of a legal ram. Rejected because the wait has been too long and these problems persist to the detriment of everyone.

PROPOSED BY: Tony Russ

EG050113861

PROPOSAL 171 - 5 AAC 92.990. Definitions. Modify the definition of full-curl horn as follows:

(19) full-curl horn of a male (ram) Dall sheep means that

(A) A full-curl horn, whose tip of at least one horn has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side.

(B) both horns are broken, or

(C) the sheep is at least eight years of age as determined by horn growth annul, and

(D) any ram is legal until the Alaska Department of Fish and Game has a specific, repeatable method that all state employees are mandated to use to determine if a set of sheep horns is legal or sublegal. Also, this method will be in writing with graphics included and this paper will be available at all times to the public from any Alaska Department of Fish and Game office that seals sheep horns, and available on the Department website.

ISSUE: The definition of a full-curl sheep.

WHAT WILL HAPPEN IF NOTHING IS DONE? Hunters will be uncertain how their sheep horns will be judged by enforcement and the Alaska Department of Fish and Game (department). Hunters will not continue sheep hunting, more hunters will not start sheep hunting, sheep hunters will not bring their horns in for sealing, and hunters will continue to complain about the department and wildlife enforcement personnel, and those departments in general. Nonresidents will continue to hear about Alaska's inconsistent enforcement of their full-curl definition and some will continue to choose to hunt Canada instead of Alaska.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Fewer sublegal rams will be taken if hunters can actually see and understand, before they go sheep hunting, how the state employees (department and Wildlife Troopers) will apply the full-curl definition.

WHO IS LIKELY TO BENEFIT? All hunters and the state (after the paper has been written and made available).

WHO IS LIKELY TO SUFFER? State employees who have to come up with this standardized procedure.

OTHER SOLUTIONS CONSIDERED? Change the regulation to make it simpler – difficult to do if we want to harvest the same average-age ram. And, we would also have to then completely re-educate the hunting public and the state employees involved in sheep sealing and enforcement of the regulation.

PROPOSED BY: Tony Russ

EG050113864

PROPOSAL 172 - 5 AAC 92.990. Definitions: Remove black bears from the furbearer classification as follows.

The new regulation will omit black bears from the list of furbearers to read:

(21) "furbearer" means a beaver, coyote, arctic fox, lynx, marten, mink, least weasel, short-tailed weasel, muskrat, land otter, red squirrel, flying squirrel, ground squirrel, Alaskan marmot, hoary marmot, woodchuck, wolf or wolverine; "furbearer" is a classification of animals subject to taking with a trapping license;

ISSUE: The 2010 decision to list black bears as a furbearer paved the way to allow bear snaring for the first time since statehood. Nowhere else in North America is it legal to trap or snare bears under a general trapping license in areas where grizzly bears are known to be present.

The reason the Board of Game amended the regulations to include black bears as furbearers has nothing to do with citizens needing to put meat on the table for their families, but rather another backdoor attempt to kill more bears. In fact, it is not a requirement to salvage the meat from bears caught and killed in snares.

Not only is this promoting the wanton waste of an animal, but it completely disregards the ethics of fair chase and respect for the animal. The Board of Game regards black bears with the same disdain as sewer rats: vermin that need eradicating.

Bear snaring is indiscriminate, wasteful, and cruel and poses a danger to the public. With unlimited numbers of snares and long open seasons, snaring may kill more bears than is sustainable. Snaring and killing of bears regardless of age, species, and gender is incompatible with the scientific principles and ethics of modern wildlife management.

WHAT WILL HAPPEN IF NOTHING IS DONE? More bears will become food-conditioned, posing a hazard to people. More grizzly bears and other non-target species will become victims. Bear meat will be wasted. Bears will suffer. This controversial practice will continue to tarnish the reputation of Alaska and its hunting and trapping community. Bear populations could diminish, disrupting the natural balance of ecosystems.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Black bears are big game animals and should be classified as such. Bear snaring is wasteful and requires no salvage of meat, only the hide and skull. Trappers will still be allowed to harvest a bear under trapping licenses by using a firearm and bait stations. Under this method, a trapper can be selective in harvesting a bear and avoid taking non-target species and cubs or females with cubs.

WHO IS LIKELY TO BENEFIT? Alaskans and visitors who value wildlife and sound biological management of our wildlife resources and who want to view wildlife. Tourism-related businesses will benefit. The reputation of ethical hunters and trappers will benefit along with the State of Alaska.

WHO IS LIKELY TO SUFFER? The reclassification of black bears as furbearers doesn't benefit anyone. The practice of bear snaring only promotes waste and disrespect for wildlife.

OTHER SOLUTIONS CONSIDERED? None. The practice of snaring bears needs to stop.

PROPOSED BY: Alaska Wildlife Alliance EG042613796

PROPOSAL 173 - 5 AAC 92.990. Definitions. Modify the definition for bag limit and define mortally wounded as follows:

(3) bag limit means the maximum number of animals of any one game species a person may **harvest (kill and reduce to his possession).** Animals disturbed in the course of legal hunting do not count toward the bag limit. **Animals known to be mortally wounded and lost may count against the bag limit for certain species and in certain units.**"

The definition of "mortally wounded" should be: **An animal struck with a hunting projectile which dies as a direct result of being struck with the hunting projectile.**

ISSUE: The definition of "bag limit" includes the word "take". The definition of "take" is so broad and all inclusive that anyone in the field can be charged with exceeding his/her bag limit. The definition of "bag limit" should not include the word "take".

WHAT WILL HAPPEN IF NOTHING IS DONE? Our regulations will continue to be confusing for ethical hunters who try to read, understand and closely follow the regulations. Ethical hunters might stop hunting knowing that they have attempted to take more than their bag limit even if they never fired a shot. Guides and hunters may continue to have different motivations and not function well together if the guide encourages a marginal shot knowing that if the animal is superficially wounded she/he may call the hunt finished while the hunter may pass up a very reasonable shot waiting for only a 100% certain shot. Unethical hunters and guides are not limited by the regulations because they are aware that there is very little chance of enforcement of this type of regulation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Ethical hunters.

WHO IS LIKELY TO SUFFER? No one with the possible exception of guides looking for a quick easy end to a hunt.

OTHER SOLUTIONS CONSIDERED? Changing the definition of the word "take". However, it is our understanding that the definition of "take" can only be changed by the legislature. While changing the definition of "bag limit" can be done by the Board of Game.

PROPOSED BY: Alaskan Bowhunters Association EG042913832

Falconry

(This proposal was deferred from the 2012 Statewide Regulations meeting. It was previously numbered as proposal 40).

PROPOSAL 174 - 5 AAC 92.037. Permits for falconry. Allow nonresident falconers to capture raptors as follows:

1. Nonresident falconers would be allowed to capture three gyrfalcons, three Peale's peregrines, two anatum peregrines, two tundra peregrines, three merlins, three goshawks, three red-tailed hawks and three sharpshinned hawks. While there is no biological justification for such a limited capture according to the "*Final Environmental Assessment: Take of Raptors from the Wild Under The Falconry Regulations...*, USFWS June 2007" (FEA) concerning the insignificance of falconry harvest on raptor populations), an initial conservative capture quota may allay some Alaska falconers' concerns over nonresident take. However, should the Alaska falconers and the Alaska Board of Game (board) agree that the proposed nonresident, raptor capture quota is unnecessarily restrictive, American Falconry Conservancy (AFC) would support more liberal allowances.
2. Nonresident falconers would not be allowed to capture: eyass gyrfalcons in Units 13, 14 and 22; eyass goshawks in Unit 14C; eyass arctic peregrines along the Sagavanirktok River; and eyass anatum peregrines in Unit 20. Although AFC understands that very few wild raptors are captured by Alaska falconers, we believe the unit restrictions reflect Alaska falconers' concerns over outside competition in areas favored by residents.
3. Applications for a nonresident capture lottery would be submitted between February 1 and March 31. A nonresident quota on take may necessitate a lottery.
4. Unless other concerns surface, all other take provisions or limitations applicable to residents, such as capture seasons and off limit areas like the Colville River corridor, would also apply to nonresidents.
5. Native tribal lands within Alaska's borders would be off limits for nonresident raptor capture unless authorized by the native corporation. Some Alaska falconers have voiced concerns about nonresidents attempting to capture raptors on native lands. This is no different from other states and we propose that such activities be clarified in Alaska's provisions. To assist capture, AFC is willing to create maps depicting all Alaska areas closed to nonresident capture of raptors.

ISSUE: For reasons outlined herein, AFC respectfully requests that the Board of Game (board) adopt provisions to allow nonresident falconers to capture raptors in Alaska and bring them to their home states for falconry.

AFC is an association of North American falconers dedicated to the right of practicing the art and sport of falconry and to the conservation of raptors based on sound science and the rule of

law. AFC has actively pursued opening the doors to nonresident U.S. falconers for wild raptor take in the handful of states that previously did not or presently do not have such provisions. Over the last several years, AFC was successful in convincing resident falconers in Minnesota, South Dakota, Montana, Nebraska and Colorado to open their doors to nonresidents, and provided technical assistance in achieving those ends. North Dakota has a legislative provision for nonresident take, but the Fish and Game Department (department) needs to work out a regulatory framework for such provisions. To AFC's knowledge, the only states that do not have nonresident, raptor take provisions are West Virginia, Connecticut, Alaska and Hawaii. Hawaii is unique in that it has no falconry laws or regulations.

It is to Alaska that the falconry community now looks in hopes that the people of Alaska will invite their neighbors from other states to further share in Alaska's bountiful resources. AFC has communicated with Alaska falconers to better understand their position on this subject. Some feel it is too complicated a proposition to undertake or are concerned about competition by nonresidents in traditional resident capture areas; others are indifferent; and some agree that Alaska should be open to nonresidents. This mirrors the same sentiments experienced in other states who recently adopted or are in the process of adopting nonresident, raptor capture provisions. The only difference AFC has observed between Alaska and other states is complacency within the falconry community in spearheading the process; to our knowledge neither Alaska nor at-large falconers have ever asked the board to open wild raptor take to nonresidents.

Based on our conversations with members of the Alaska falconry community, AFC believes that if nonresident falconers were to concede to certain limits, Alaska falconers would be more comfortable embracing a nonresident raptor capture program. With Alaska falconers' concerns in mind, AFC presents this proposal with the supporting justification for raptor capture by nonresident falconers:

The following points are presented in an effort to answer the broad question: If nonresident raptor take were to be implemented, what would this mean to the State of Alaska and Alaska falconers?

1.) No harm would come to raptor populations. Alaska has the largest populations of breeding raptors (among other raptor species, over 400 pairs of breeding gyrfalcons and 1000 pairs of breeding peregrine falcons) in the U.S., so nonresident capture of a few birds is a biological non-issue. There are approximately 4250 authorized falconers in the United States (FEA, p. 34), compared to millions of fisherman and hunters. The majority are flying captive bred raptors. The demand for wild raptors by falconers is far too small to have any effect on raptor populations (See tables 1, 2, and 3 on, respectively, pages 10, 29, and 33 of the FEA). Also, FWS has a wild raptor take limit of two birds per falconer per year. In addition, to our knowledge no state has experienced harvest pressures from resident and/or nonresident falconers to the point where intervention was warranted by state fish & game departments. What is more, the board would have emergency powers to restrict or eliminate harvest should a particular raptor population experience a decline to the point where it is threatened. Owing to our long history of devotion to the conservation and protection of raptors, AFC in particular and the falconry community in general would be the first to support such restrictions where and when warranted.

Historically, falconers have been a valuable resource for raptor knowledge and conservation and actually lead the charge in saving the peregrine falcon from extinction in the Lower 48 when the peregrine became endangered; it was a falconer who discovered how to breed raptors in captivity and it was predominately falconers who then bred and released peregrines in reintroduction and restoration efforts.

2.) Considering Alaska's large size and its vast and robust raptor populations, and taking into account the proposed raptor quota numbers in this proposal, AFC is confident nonresident capture of raptors would have no negative effect on either the raptor resource or the resident falconers of Alaska. If anything, the adoption of nonresident take provisions would broaden Alaska falconers' liberties and opportunities for the following reasons:

a. Currently Alaska falconers are prohibited from capturing wild raptors from states that have nonresident, raptor capture reciprocity - you can capture in our state only if we can capture in yours - provisions (e.g. New Mexico, Montana, Alabama and Texas). Texas just recently adopted such reciprocity provisions, and other states are in the process of adopting such provisions. AFC is aware of at least one Alaska falconer who previously captured a red-tailed hawk from Texas. Also, around 2009-2010 Alaska falconers Mike Houser and Rio Bergman were warmly received by Oregon falconer Richard Hoyer who helped them trap red-tailed hawks in Oregon, which were then taken back to Alaska. Alaska would need to be open to falconers residing in reciprocity states if Alaska falconers wish to enjoy the raptor resource benefits of such states.

b. Nonresidents are able to provide locations of raptors taken in Alaska, which provides additional data (e.g. eyrie (nesting) locations when eyasses (nestlings) are taken) on Alaska's raptor resource at no cost to the department.

c. Additional revenue to the department would be beneficial. Like a nonresident big game permit, a \$200 permit fee would not be unreasonable. It should be noted, however, that most states' fees for nonresident, raptor capture are significantly lower and generally are on par with the administrative costs associated with issuing a capture license.

d. As in all tourist type activities, additional revenue would be brought into Alaska's economy by visiting falconers, which would benefit Alaska small businesses and increase Alaska state tax revenues.

e. One good turn often earns another – it is human nature that the prospect of reciprocity often compels one to go out of their way to assist ones neighbor. This is especially true and invaluable in falconry, where more often than not a neighboring state falconer possesses a more intimate knowledge of the raptor resources in his or her state and is more inclined to share such knowledge with and offer assistance to a nonresident if that nonresident is able and willing to reciprocate.

In an effort to further investigate the effects of nonresident take, AFC's Nonresident Take Liaison, Dr. Jim Ingram, contacted a number of state wildlife agencies and reports the following: "I contacted several of the most popular states for nonresidents to trap raptors to see how many

permits were given out on average. Texas – 8-15 permits per year, most resulted in taking a Harris’ Hawk; Kansas – 15 permits per year, mostly redtails, and sometimes prairie falcons; Wyoming – 21 permits per year issued on average with only 12 resulting in a take (average annual take for goshawks is 3; for merlins 1.8; and for gyrs 0.16); Wisconsin – 4-5 permits per year, mostly Cooper’s hawks; Florida – 3 permits per year, mostly merlins. None of these states, or their falconry communities, reported problems with their raptor populations as a result of nonresident take.”

In general AFC proposes that the same rights and privileges provided to residents be provided to nonresidents, as the Privileges and Immunities Clause of the U.S. Constitution instructs; unless some state difficulty arises where a less discriminatory method is unavailable to the state, in which case the state has the right to serve its residents’ interests above nonresidents. The various states manage nonresident capture in a variety of ways. The following are offered for the board’s consideration:

1. The State of New York requires a hunting license and the submission of a “Raptor Capture Authorization” form, along with a copy of the permittee’s falconry license.
2. Oregon provides a State Capture Permit. The applicant merely submits a completed form, a copy of his falconry permit, and \$10.
3. Kansas, which AFC believes is a very good model for nonresident take regulations, requires a Kansas hunting license and authorization, in the form of a letter from the Fish and Game Department.
4. Alabama requires a hunting license and that the nonresident’s home state also provides the same opportunity to Alabama falconers.
5. Wyoming charges a fee of \$201.00 to nonresidents and requires authorization from the Fish and Game Department.
6. Upon submission of an application and a copy of a valid falconry permit from the applicant’s home state, Minnesota issues a raptor capture permit at no charge to the applicant.

One might ask why Alaska should adopt nonresident take provisions. The simple answer is that access to our natural resources is a national issue in the sense that all Americans wish to be able to enjoy the outdoors in any state of the union. It is understood that we are one country, with a Constitution that obligates us to one another. Each region of our nation has features that provide unique opportunities and all Americans would like to have access to resources that appeal to them.

Alaska has very large numbers of, among others, three raptor species falconers are interested in accessing: gyrfalcons, peregrine falcons and goshawks. Table 1 on page 10 of the FEA informs us that the average annual nationwide harvest of these raptor species from 2003-05 was quite low (52.66 goshawks, 11.33 gyrfalcons and 10.66 peregrines) in relation to the U.S. Fish and Wildlife’s (USFWS) recommended annual harvest levels of 5% of the populations (450

goshawks, 82 gyrfalcons and 150 peregrines) and extremely low in relation to USFWS's determination that "... many raptor populations can sustain eyass [nestling] or passage [juvenile] harvest rates of 10% to 20%, and sometimes higher" (See page 24 of Draft Environmental Assessment: Take of Raptors from the Wild Under The Falconry Regulations..., USFWS June 2006 (DEA)). The DEA also points out on page five that the take of nestling raptors by falconers provides "higher survival rates" compared to nestlings from unharvested nests. In addition, FWS falconry regulations only allow falconers to capture first year (juvenile) wild raptors, and individual general and master class falconers can take no more than two wild raptors per year. It has been demonstrated that a nonresident capture of raptors would have no effect on the raptor resource or the falconers of Alaska. Since the raptor resource of Alaska far exceed any demand that falconers would place on it, and since the mortality rate (or surplus) of first year raptors is high, the adoption of nonresident, raptor take provisions would conform with the sustainable yield principles expressed in the preamble of the department's mission.

Also, it is clear that nonresident, raptor take conforms to the department's mission of developing the use of natural resources "in the best interest of the economy and the wellbeing of the people" no differently than other presently allowed nonresident activities; such as outdoor tourism and all other forms of wildlife harvest.

Beyond the unique resources Alaska possesses, nonresidents are often just as interested in pursuing the adventure Alaska has to offer for the same reasons nonresident fisherman and hunters expend thousands of dollars to travel to one of the most beautiful regions in the world. Falconers can purchase readily available goshawks, peregrines and gyrfalcons from raptor breeders at a lower cost than travel expenses to Alaska, so the reason falconers desire a trip to Alaska is not solely for a bird, it is for the adventure. Like many field sports, the art and sport of falconry embraces the magic in the journey as much or more than the destination or the outcome, it is the means, not the ends that counts. Experiencing nature and spending time in the wild regions is at the very core of the art of falconry and nowhere is this more evident than in Alaska. Nonresidents will feel the cost of this experience is money-well-spent with fond and lifelong memories. Like the sport fisherman, who does not relate the value of the experience on a cost per pound basis, falconers view the taking of wild raptors as an exceptional experience to be cherished with awe.

Presently, Alaska falconers are welcome in most of the Lower 48 to take raptors and to travel with their trained falconry birds to hunt quarry not readily available to them in Alaska, or when the winter is too harsh to fly raptors in their home territory. It is our hope that Alaska will welcome nonresident falconers to their state to more fully enjoy their bountiful raptor resource. AFC thanks the board for their consideration and we continue to offer our assistance in this important matter.

WHO IS LIKELY TO BENEFIT?

WHAT WILL HAPPEN IF NOTHING IS DONE?

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS

PRODUCED BE IMPROVED?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED:

PROPOSED BY: American Falconry Conservancy

EG052011501

Miscellaneous

PROPOSAL 175 - 5AAC 98.005. Areas of jurisdiction for antlerless moose seasons. Review and determine the advisory committees that have jurisdiction for approving antlerless moose hunts as follows:

5AAC 98.005. Areas of jurisdiction for antlerless moose seasons. For the purpose of implementing AS 16.05.780, antlerless moose seasons require approval by a majority of the active **local** advisory committees **for** [LOCATED IN] **that unit or subunit**. [OR THE MAJORITY OF WHOSE MEMBERS RESIDE IN, THE AFFECTED UNIT OR SUBUNIT.] For the purpose of this section, an “active advisory committee” is a committee that holds a meeting and acts on the proposals. **The following advisory committees have jurisdiction over antlerless moose hunts in the units and subunits specified in this section:**

The advisory committees (ACs) located within the subunits and units for the purpose of authorizing antlerless moose hunts are.

Hunt Area by Subunit	Committee Name	Committee Location
Unit 1A	Hyder	Subunit
	Ketchikan	Subunit
	Saxman	Subunit
	Juneau-Douglas	Unit
	Icy Straits	Unit
	Upper Lynn Canal	Unit
	Klukwan	Unit
Unit 1B	Juneau-Douglas	Subunit
	Icy Straits	Subunit
	Upper Lynn Canal	Subunit
	Klukwan	Unit
	Hyder	Unit
	Ketchikan	Unit
	Saxman	Unit
Unit 1C (Gustavus)	Icy Straits	Subunit
	Juneau-Douglas	Subunit
	Upper Lynn Canal	Unit
	Hyder	Unit
	Ketchikan	Unit
	Saxman	Unit
	Klukwan	Unit
Unit 1C (Berner’s)	Juneau-Douglas	Subunit

Bay)	Icy Straits	Unit
	Upper Lynn Canal	Unit
	Hyder	Unit
	Ketchikan	Unit
	Saxman	Unit
	Klukwan	Unit
Unit 1D	Upper Lynn Canal	Subunit
	Icy Straits	Subunit
	Hyder	Unit
	Ketchikan	Unit
	Saxman	Unit
	Klukwan	Unit
	Juneau-Douglas	Unit
Unit 3	Kake	Unit
	Petersburg	Unit
	Wrangell	Unit
Unit 5A (Nunatak Bench)	Yakutat	Subunit
Unit 5B	Yakutat	Unit
Unit 6A	Copper River/Prince William Sound (PWS)	Unit
	PWS/Valdez	Unit
	Whittier	Unit
Unit 6B	Copper River/PWS	Unit
	PWS/Valdez	Unit
	Whittier	Unit
Unit 6C	Copper River/PWS	Subunit
	PWS/Valdez	Unit
	Whittier	Unit
Unit 6D	Whittier	Subunit
	PWS/Valdez	Subunit
	Copper River/PWS	Unit
Unit 7	Seward	Subunit
	Cooper Landing	Subunit
Unit 9A	Naknek/Kvichak	Unit

	Nelson Lagoon	Unit
	Sand Point	Unit
	King Cove	Unit
	False Pass	Unit
	Chignik	Unit
	Lower Bristol Bay	Unit
	Lake Illiamna	Unit
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Unit 9B	Lake Illiamna	Subunit
	Nelson Lagoon	Unit
	Sand Point	Unit
	King Cove	Unit
	False Pass	Unit
	Chignik	Unit
	Lower Bristol Bay	Unit
	Naknek/Kvichak	Unit
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Unit 9C	Naknek/Kvichak	Subunit
	Nelson Lagoon	Unit
	Sand Point	Unit
	King Cove	Unit
	False Pass	Unit
	Chignik	Unit
	Lower Bristol Bay	Unit
	Lake Illiamna	Unit
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Unit 9D	Nelson Lagoon	Subunit
	Sand Point	Subunit
	King Cove	Subunit
	False Pass	Subunit
	Naknek/Kvichak	Unit
	Chignik	Unit
	Lower Bristol Bay	Unit
	Lake Illiamna	Unit
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Unit 9E	Chignik	Subunit
	Lower Bristol Bay	Subunit
	Nelson Lagoon	Unit
	Sand Point	Unit
	King Cove	Unit
	False Pass	Unit
	Naknek/Kvichak	Unit
	Lake Illiamna	Unit
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Unit 11	Copper Basin	Unit
	Tok Cutoff/Nabesna	Unit

Unit 12	Upper Tanana Fortymile	Unit
Unit 13A	Tok Cutoff/ Nabesna Copper Basin Denali Paxson	Unit Unit Unit Unit
Unit 13B	Tok Cutoff/ Nabesna Copper Basin Denali Paxson	Unit Unit Unit Unit
Unit 13C	Tok Cutoff/ Nabesna Copper Basin Denali Paxson	Unit Unit Unit Unit
Unit 13D	Tok Cutoff/ Nabesna Copper Basin Denali Paxson	Unit Unit Unit Unit
Unit 13E	Tok Cutoff/ Nabesna Copper Basin Denali Paxson	Unit Unit Unit Unit
Unit 14A	Matanuska Valley Anchorage Susitna Valley	Subunit Unit Unit
Unit 14B	Susitna Valley Anchorage Matanuska Valley	Subunit Unit Unit
Unit 14C	Anchorage Matanuska Valley Susitna Valley	Subunit Unit Unit
Unit 15A (Skilak Loop)	Kenai/Soldotna Central Peninsula Homer Seldovia	Subunit Unit Unit Unit
Unit 15B	Kenai/Soldotna Central Peninsula	Subunit Unit

	Homer Seldovia	Unit Unit
Unit 15C (Homer)	Central Peninsula Homer Seldovia Kenai/Soldotna	Subunit Subunit Subunit Unit
Unit 16A	Susitna Valley Tyonek Mt. Yenlo	Subunit Unit Unit
Unit 16B (Kalgan)	Tyonek Mt. Yenlo Susitna Valley	Subunit Subunit Unit
Unit 17A	Togiak Nushagak	Subunit Unit
Unit 17B	Nushagak Togiak AC	Unit Unit
Unit 17C	Nushagak Togiak	Subunit Unit
Unit 18	Central Bering Sea Lower Kuskokwim Lower Yukon	Unit Unit Unit
Unit 19A	Central Kuskokwim Stony-Holitna McGrath	Subunit Subunit Unit
Unit 19B	Central Kuskokwim Stony-Holitna McGrath	Unit Unit Unit
Unit 19C	Stony Holitna Central Kuskokwim McGrath	Unit Unit Unit
Unit 19D	McGrath Stony Holitna Central Kuskokwim	Subunit Unit Unit
Unit 20A	Middle Nenana	Subunit

	Minto/Nenana	Subunit
	Fairbanks	Unit
	Delta	Unit
	Eagle	Unit
	Tanana-Rampart-Manley	Unit
	Upper Tanana/40 –Mile	Unit
	Lake Minchumina	Unit
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Unit 20B	Fairbanks	Subunit
	Minto-Nenana	Subunit
	Tanana-Rampart-Manley	Subunit
	Delta	Unit
	Middle Nenana	Unit
	Eagle	Unit
	Upper Tanana/40 –Mile	Unit
	Lake Minchumina	Unit
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Unit 20C	Middle Nenana	Subunit
	Lake Minchumina	Subunit
	Tanana-Rampart- Manley	Unit
	Fairbanks	Unit
	Eagle	Unit
	Delta	Unit
	Upper Tanana/40-mile	Unit
	Minto-Nenana	Unit
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Unit 20D	Delta	Subunit
	Fairbanks	Subunit
	Middle Nenana	Unit
	Tanana-Rampart- Manley	Unit
	Eagle	Unit
	Upper Tanana/40-mile	Unit
	Minto-Nenana	Unit
	Lake Minchumina	Unit
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Unit 20E	Delta	Subunit
	Eagle	Subunit
	Fairbanks	Unit
	Middle Nenana	Unit
	Tanana-Rampart- Manley	Unit
	Upper Tanana/40-mile	Unit
	Minto-Nenana	Unit
	Lake Minchumina	Unit
<hr/>		
Unit 20F	Tanana-Rampart-Manley	Subunit
	Delta	Unit

	Fairbanks	Unit
	Middle Nenana	Unit
	Eagle	Unit
	Upper Tanana/40-mile	Unit
	Minto-Nenana	Unit
	Lake Minchumina	Unit
Unit 21A	Ruby	Unit
	Grayling/Anvik/Shageluk/Holy Cross (G.A.S.H.)	Unit
	Middle Yukon	Unit
Unit 21B	Ruby	Unit
	Grayling/Anvik/Shageluk/Holy Cross (G.A.S.H.)	Unit
	Middle Yukon	Unit
Unit 21C	Grayling/Anvik/Shageluk/Holy Cross (G.A.S.H.)	Unit
	Middle Yukon	Unit
	Ruby	Unit
Unit 21D	Middle Yukon	Subunit
	Ruby	Subunit
	Grayling/Anvik/Shageluk/Holy Cross (G.A.S.H.)	Unit
Unit 21E	Grayling/Anvik/Shageluk/Holy Cross (G.A.S.H.)	Subunit
	Ruby	Unit
	Middle Yukon	Unit
Unit 22A	Southern Norton Sound	Subunit
	Northern Norton Sound	Unit
	St. Lawrence Island	Unit
Unit 22B	Northern Norton Sound	Subunit
	Southern Norton Sound	Unit
	St. Lawrence Island	Unit
Unit 22C	Northern Norton Sound	Subunit
	Southern Norton Sound	Unit
	St. Lawrence Island	Unit
Unit 22D	St. Lawrence Island	Subunit
	Northern Norton Sound	Unit

	Southern Norton Sound	Unit
Unit 22E	Northern Norton Sound Southern Norton Sound St. Lawrence Island	Subunit Unit Unit
Unit 23	Northern Seward Peninsula Kotzebue Upper Kobuk Noatak/Kivalina Lower Kobuk	Unit Unit Unit Unit Unit
Unit 24A	Koyukuk River	Unit
Unit 24B	Koyukuk River	Subunit
Unit 24C	Koyukuk River	Subunit
Unit 24D	Koyukuk River	Subunit
Unit 25A	Yukon Flats Central	Subunit Unit
Unit 25B	Yukon Flats Central	Unit Unit
Unit 25C	Central Yukon Flats	Subunit Unit
Unit 25D	Yukon Flats Central	Subunit Unit
Unit 26A	North Slope	Subunit
Unit 26B	North Slope	Subunit
Unit 26C	North Slope	Subunit
Unit 26D	North Slope	Subunit

ISSUE: The current regulation for areas of jurisdiction for AC approval of antlerless moose hunts has caused some confusion for the Board of Game (board), the advisory committees, and the public. During the 2012 Interior Region meeting, the Board of Game requested the Department of Fish and Game (department) develop a proposal to clarify which committees have jurisdiction to approve antlerless moose hunts. The proposed language modifies the regulation so that it is consistent with

the Alaska Statute 16.05.780. It also lists advisory committees located within each Unit and Subunit.

The department has no recommendation on the jurisdiction for ACs approving antlerless moose hunts. The intent of this proposal is to provide an opportunity for ACs to comment to the board indicating which hunts they desire to have jurisdiction for approval.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will continue to be confusion over which ACs have the authority to approve certain antlerless moose hunts.

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

WHO IS LIKELY TO BENEFIT? Advisory committees, agencies, and members of the public as a result of clarification to the regulation.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Include the committees that are not in the unit or subunit but are near the area and hunt the area.

PROPOSED BY: Department of Fish and Game at the request of the Board of Game

EG050613926
