

~~Testimony~~ testimony by  
David Bill Sr.

RL 58

45 Support Agree Depe issue  
appear to have more housing. Their  
controversial.

~~50~~ 50 oppose Revual / Agree on review  
however there is nothing in  
proposed indicat which if there  
is any of the  
conditions listed great specific  
concern to ~~be~~ report.

51 oppose if should be applied  
57 wide along coastal case  
many hunters in ~~the~~ region  
~~that~~ to not even ~~and~~ have  
and need for GPS unit.

15 to hunt more on wolverine  
because there are killing our food  
for subsistence in western Alaska,

Pres-

ns

1) to (3)

~~to~~ increase number of ~~per~~ drawing  
permits to 100 in Nainivak  
Island that will help Islander  
and ~~the~~ close by Villager in  
and other close by Villagers  
who live by subsistence life.

## Proposals 38 & 39 – Falconry

January 2012 Alaska Board of Game

- Background, numbers
- New Federal framework
- Proposed falconry regulations
  - Falconry/permits/take
  - Facilities
  - Export/import
  - Differences between proposals

Proposals 38 & 39

1

## Number of Alaska Falconers

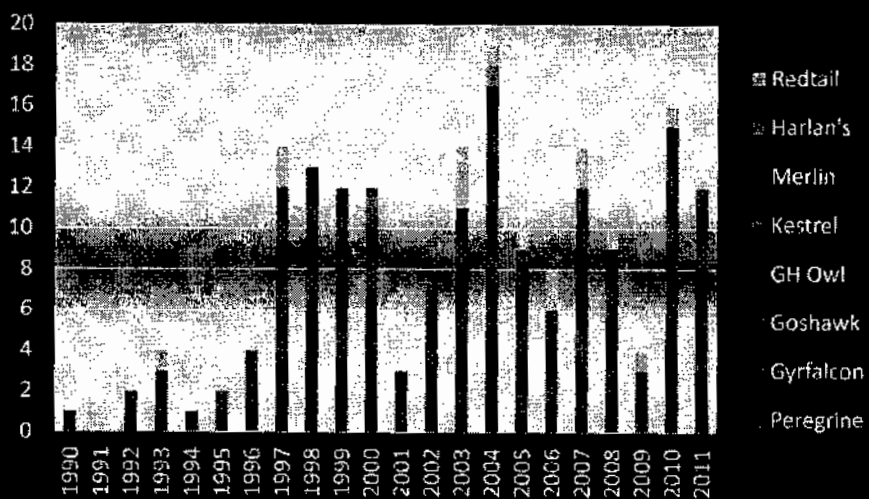
- 40 to 50
- January 2012 - about 39



Proposals 38 & 39

2

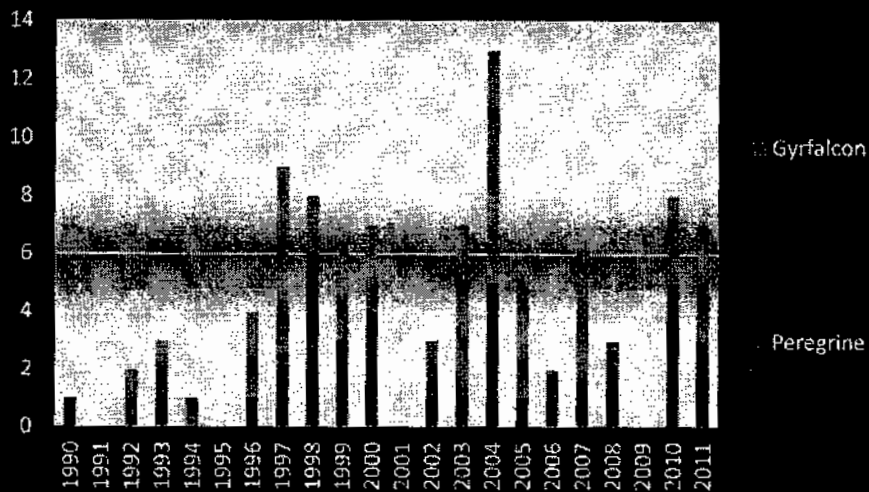
### Falconry birds taken from the wild by year



Proposals 38 & 39

3

### Gyrfalcons and Peregrine falcons taken from the wild by year

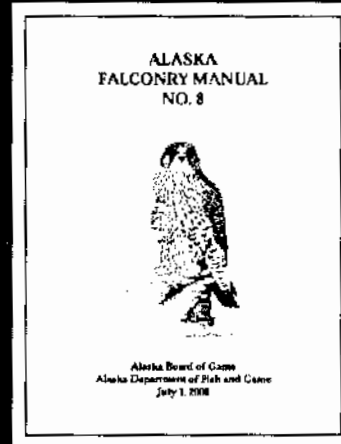


Proposals 53 & 54

4

## Regulatory highlights

- Migratory Bird Treaty Act
- States must have approved regulations by January 1, 2014
- Joint Federal State Permit
- State Regulation 5 AAC 92.037 Permits for falconry
- Alaska Falconry Manual No. 8 – 2008 – Standards adopted by reference



Proposals 38 & 39

5

## New Federal/State Framework

- Elimination of Federal Permit - *however*
  - Migratory Bird Treaty Act still requires federal oversight
  - Form 3-186 a form to track birds
  - New federal electronic tracking system
- New ADF&G regulation and manual
  - Most of current regulation/manual already compliant

Proposals 38 & 39

6

## 5 AAC 92.037 Permits for falconry

- Hunting license required
- Residency Export/import requirements
  - Permit required to temporarily or permanently export and/or import a falconry bird.
  - Permanent export of raptors taken from the wild is clarified
  - Temporary import and export clarified
  - Temporary export/import for Alaskan falconers streamlined
  - West Nile Virus testing clarified (under general conditions, not standards to allow for changes)

Proposals 38 & 39

7

## 5 AAC 92.037 Permits for falconry

- Annual report required; consistent with current regulation
- Request guidance from Board

Proposals 33 & 39

8

## Highlights of proposals before BOG

### – Falconry permits & take

- Need hunting license and state falconry permit to be valid
- Must be Alaska resident to take falconry birds in Alaska
- Federal bird reporting required - Form 3-186a

Proposals 38 & 39

9

## Highlights of proposals before BOG

### – Various complex regulations

- Alaska more strict than most other states
  - Have highly valued species
  - Strict residency requirements (similar to hunting)
  - No nonresident take
  - West Nile Virus Testing
- Must have bird taken from the wild in possession for 1 year or more to export it out of state

Proposals 38 & 39

10

## Differences between Alaska Falconers Assoc & ADF&G Proposal

- ALL issues resolved

### 1. Species List

- AFA - includes nearly all of Federal List
- ADF&G - species actually used in falconry and some non-Alaska species
- Hybrids allowed under both proposals
- Agreement on list (no osprey, no vultures)
- Allow small owls and some nonindigenous species

### 2. Annual Report

- AFA suggests NO annual report (not required under federal framework)
- ADF&G suggests continuing annual report, at least until federal tracking system is known to work (2-3 more years)
- Agreement - continue permits until federal electronic system is known to work

Proposals 26 & 29

11

#### ADF&G

Northern harrier  
 Sharp-shinned hawk  
 Northern goshawk (indigenous)  
 Red-tailed hawk  
 Rough-legged hawk  
 Golden eagle  
 American kestrel  
 Merlin  
 Peregrine falcon  
 Gyrfalcon  
 Great-horned owl  
 Snowy owl  
 Northern hawk owl  
 Barred owl  
 Great-gray owl

Cooper's hawk  
 Harris's hawk  
 Swainson's hawk  
 Ferruginous hawk  
 Prairie falcon  
 Aplomado falcon  
 Northern goshawk (non-indigenous) sterilized  
 Hybrids from breeders

#### Alaska Falconry Association (AFA)

##### Indigenous Species

Northern harrier  
 Sharp-shinned hawk  
 Northern goshawk (indigenous)  
 Red-tailed hawk  
 Rough-legged hawk  
 Golden eagle  
 American kestrel  
 Merlin  
 Peregrine falcon  
 Gyrfalcon  
 Great-horned owl  
 Snowy owl  
 Northern hawk owl  
 Barred owl  
 Great-gray owl

##### Non-indigenous Species

Cooper's hawk  
 Harris's hawk  
 Swainson's hawk  
 Ferruginous hawk  
 Prairie falcon  
 Aplomado falcon  
 Northern goshawk (non-indigenous) sterilized  
 Hybrids from breeders

##### AFA Only

Northern saw-whet owl  
 Turkey vulture  
 Osprey  
 White-tailed eagle  
 Asiatic sparrow hawk  
 Eurasian kestrel  
 Western screech-owl  
 Northern pygmy-owl  
 Barn owl  
 Long-eared owl  
 Short-eared owl  
 Boreal owl

Proposals 28 & 29

12

ADF&G	Alaska Falconry Association (AFA)
Northern falcon	Northern falcon
Sharp-shinned hawk	Sharp-shinned hawk
Northern goshawk (indigenous)	Northern goshawk (indigenous)
Red-tailed hawk	Red-tailed hawk
Rough-legged hawk	Rough-legged hawk
Golden eagle	Golden eagle
American kestrel	American kestrel
Martin	Martin
Peregrine falcon	Peregrine falcon
Gyr falcon	Gyr falcon
Great-horned owl	Great-horned owl
Snowy owl	Snowy owl
Northern hawk owl	Northern hawk owl
Barred owl	Barred owl
Great-gray owl	Great-gray owl
Cooper's hawk	Cooper's hawk
Harris's hawk	Harris's hawk
Swainson's hawk	Swainson's hawk
Ferruginous hawk	Ferruginous hawk
Prairie falcon	Prairie falcon
Apkarnado falcon	Apkarnado falcon
Northern goshawk (non-indigenous) sterilized	Northern goshawk (non-indigenous) sterilized
Hybrids from breeding	Hybrids from breeding
	<b>Indigenous Species</b>
	Northern falcon
	Sharp-shinned hawk
	Northern goshawk (indigenous)
	Red-tailed hawk
	Rough-legged hawk
	Golden eagle
	American kestrel
	Martin
	Peregrine falcon
	Gyr falcon
	Great-horned owl
	Snowy owl
	Northern hawk owl
	Barred owl
	Great-gray owl
	<b>Non-indigenous Species</b>
	Cooper's hawk
	Harris's hawk
	Swainson's hawk
	Ferruginous hawk
	Prairie falcon
	Apkarnado falcon
	Northern goshawk (non-indigenous) sterilized
	Hybrids from breeding
	<b>AFA Only</b>
	Northern saw-whet owl
	Turkey-vulture
	Osprey
	White-tailed eagle
	Asiatic sparrow hawk
	Eurasian kestrel
	Western screech owl
	Northern pygmy-owl
	Barred owl
	Long-eared owl
	Short-eared owl
	Boreal owl

Proposals 38 & 49

13

ADF&G	Alaska Falconry Association (AFA)
Northern falcon	Northern falcon
Sharp-shinned hawk	Sharp-shinned hawk
Northern goshawk (indigenous)	Northern goshawk (indigenous)
Red-tailed hawk	Red-tailed hawk
Rough-legged hawk	Rough-legged hawk
Golden eagle	Golden eagle
American kestrel	American kestrel
Martin	Martin
Peregrine falcon	Peregrine falcon
Gyr falcon	Gyr falcon
Great-horned owl	Great-horned owl
Snowy owl	Snowy owl
Northern hawk owl	Northern hawk owl
Barred owl	Barred owl
Great-gray owl	Great-gray owl
Cooper's hawk	Cooper's hawk
Harris's hawk	Harris's hawk
Swainson's hawk	Swainson's hawk
Ferruginous hawk	Ferruginous hawk
Prairie falcon	Prairie falcon
Apkarnado falcon	Apkarnado falcon
Northern goshawk (non-indigenous) sterilized	Northern goshawk (non-indigenous) sterilized
Hybrids from breeding	Hybrids from breeding
	<b>Indigenous Species</b>
	Northern falcon
	Sharp-shinned hawk
	Northern goshawk (indigenous)
	Red-tailed hawk
	Rough-legged hawk
	Golden eagle
	American kestrel
	Martin
	Peregrine falcon
	Gyr falcon
	Great-horned owl
	Snowy owl
	Northern hawk owl
	Barred owl
	Great-gray owl
	<b>Non-indigenous Species</b>
	Cooper's hawk
	Harris's hawk
	Swainson's hawk
	Ferruginous hawk
	Prairie falcon
	Apkarnado falcon
	Northern goshawk (non-indigenous) sterilized
	Hybrids from breeding
	<b>AFA Only</b>
	Northern saw-whet owl
	Turkey-vulture
	Osprey
	White-tailed eagle
	Asiatic sparrow hawk
	Eurasian kestrel
	Western screech owl
	Northern pygmy-owl
	Barred owl
	Long-eared owl
	Short-eared owl
	Boreal owl

Proposals 38 & 49

13



**PROPOSAL 39A - 5 AAC 92.037. Permits for falconry.** This proposal changes state falconry regulations to comply with new federal falconry standards, eliminates a joint federal-state permit requirement and replaces it with a state-only permit, and makes other adjustments regarding take, import/export, facilities, and other aspects of falconry.

(a) A permit [JOINTLY ISSUED BY THE DEPARTMENT AND THE UNITED STATES FISH AND WILDLIFE SERVICE] **and valid, current Alaska hunting license** is required for taking, transporting, or possessing a raptor for falconry or for practicing falconry in this state. The permit will be issued under standards, procedures, and conditions set out in the Falconry Standards section of the *Alaska Falconry Manual* No. 9 [8], dated July 1, **2012** [2008]; that section of the falconry manual is hereby adopted by reference. Only a bird defined in (f) of this section as a raptor may be taken, transported, imported, exported, held, or possessed for falconry.

(b) [A PERSON MAY NOT PERMANENTLY EXPORT A RAPTOR TAKEN FROM THE WILD IN THIS STATE UNLESS THE PERSON HAS LEGALLY POSSESSED THAT RAPTOR IN THIS STATE FOR AT LEAST ONE YEAR. ] **A permittee may not permanently export a raptor taken from the wild in Alaska, except that a permittee changing residence from Alaska to another state may retain possession of a raptor taken from the wild in Alaska if they have legally held that raptor for at least one year or they have met the definition of Alaska resident in AS 16.05.415 for at least one year and transfer that raptor to a permit they hold in their new state of residence.** Prior written approval of the commissioner is required before a raptor may be **temporarily or permanently** exported from or imported into this state[, EXCEPT AS FOLLOWS: ].

(1) a raptor **taken from the wild in Alaska and** legally possessed **under an Alaska falconry permit** [BY AN ALASKA FALCONER] may be temporarily exported from this state for a period not to exceed 12 months **by an Alaska falconer who has;**

**(A) met the definition of an Alaska resident in AS 16.05.415 for the previous year, or**  
**(B) legally possessed the raptor in Alaska for at least one year.**

(2) an individual with a **valid, current** permit for falconry in another [STATE OR PROVINCE] **jurisdiction** may temporarily import a raptor, and use it for falconry under the terms of a temporary permit issued by the commissioner; an individual moving into this state may import **an approved** [A] raptor **species** under authority of a temporary permit, but must apply for **an Alaska falconry permit** [A FALCONRY PERMIT IN THIS STATE] within 30 days after the raptor arrives in this state. **Upon approval of the falconry permit, the permit becomes valid with a current Alaska hunting license. Conditions for the import of the raptor shall be determined by the department as specified in the Alaska Falconry Manual.**

(c) A falconer is liable for the actions of the raptor with respect to seasons, bag limits, and other applicable regulations. If a falconry bird takes game that may not be taken under established regulations, the falconer must leave the dead game where it lies, except that the raptor may feed upon the game before leaving the kill site.

(d) The commissioner may impose additional permit conditions as necessary.

(e) Before taking [AMERICAN OR ARCTIC] peregrine falcons for the practice of falconry, a permittee must possess either an Alaska master class falconry permit or an Alaska general class falconry permit and have more than two years of experience in the practice of falconry at the general class level.

(f) In this section, "raptor" means any bird of the following species, **including all subspecies thereof:**

ADF+G

- (1) northern harrier (*Circus cyaneus*)
- (2) [(1)] sharp-shinned hawk (*Accipiter striatus*);
- (3) [(2)] northern goshawk (*Accipiter gentilis*, subspecies *atricapillus* or *laingi* only);
- (4) [(3)] red-tailed or Harlan's hawk (*Buteo jamaicensis*);
- (5) rough-legged hawk (*Buteo lagopus*);
- (6) [(4)] golden eagle (*Aquila chrysaetos*);
- (7) white-tailed sea eagle (*Haliaeetus albicilla*);
- (8) Steller's sea eagle (*Haliaeetus pelagicus*);
- (9) [(5)] American kestrel (*Falco sparverius*);
- (10) Eurasian kestrel (*Falco tinnunculus*);
- (11) Asiatic sparrow hawk (*Accipiter gularis*);
- (12) [(6)] merlin (*Falco columbarius*);
- (13) [(7)] gyrfalcon (*Falco rusticolus*);
- (14) [(8)] [AMERICAN] peregrine falcon (*Falco peregrinus* [ANATUM]);
- [(9) ARCTIC PEREGRINE FALCON (*FALCO PEREGRINUS TUNDRIUS*);]
- [(10) PEALE'S PEREGRINE FALCON (*FALCO PEREGRINUS PEALEI*);]
- (15) [(11)] great-horned owl (*Bubo virginianus*);
- (16) snowy owl (*Bubo scandiacus*);
- (17) northern hawk-owl (*Surnia ulula*);
- (18) barred owl (*Strix varia*);
- (17) great-gray owl (*Strix nebulosa*);
- (18) western screech-owl (*Otus kennicottii*);
- (19) northern pygmy-owl (*Glaucidium gnoma*);
- (20) long-eared owl (*Asio otus*);
- (21) short-eared owl (*Asio flammeus*);
- (22) boreal owl (*Aegolius funereus*);
- (23) northern saw-whet owl (*Aegolius acadicus*);
- (24) [(12)] a hybrid of the species in this subsection that is produced by a raptor breeder; [AND]
- (25) the following nonindigenous species: Harris's hawk (*Parabuteo unicinctus*), Cooper's hawk (*Accipiter cooperii*), Ferruginous hawk (*Buteo regalis*), Swainson's hawk (*Buteo swainsoni*), prairie falcon (*Falco mexicanus*), Aplomado falcon (*Falco femoralis*); and
- (26) any nonindigenous subspecies of northern goshawk (*Accipiter gentilis*) requires behavioral (imprinting) or surgical sterilization, except *Accipiter gentilis atricapillus* or *A.g. laingi*.

RC 61

**Findings of Alaska Board of Game  
2012-XXX-BOG  
Falconry, Federal Migratory Bird Rulemaking and Delegation of Authority**

The Board of Game ("board") finds as follows, based on information provided by Department staff and resident falconers.

1. The board normally holds only three regulatory meetings each year and falconry regulations once come before the board once every four years.
2. Federal framework regulations for migratory birds include falconry, take of peregrine falcons, captive propagation of raptors, and other rulemaking under 50 CFR Part 21 – Migratory Bird Permits. These rules have been adopted by the US Fish and Wildlife Service under various schedules in recent years. Therefore, developments regarding falconry necessitating regulatory or policy action may occur when the board is not in session.
3. The emergency powers of the Commissioner of Fish and Game set forth in AS 16.05.060 may not be sufficiently comprehensive or expeditious to permit necessary regulatory actions to adjust falconry regulations.
4. If the emergency powers of the commissioner are not sufficient, and the board is not in session, the State may be without any authority to adjust regulatory measures required for compliance with Federal regulations.
5. The board has avoided this problem in the past by making standing delegations of authority to the commissioner to adopt emergency regulations. These delegations have existed since the 1960's.

THEREFORE THE BOARD RESOLVES that it hereby makes the following delegation of its rulemaking authority under AS 16.02.255 and AS 16.05.258 to the commissioner to be carried out under AS 16.05.270:

- A. The commissioner may adopt, in accordance with the Administrative Procedures Act (AS 44.62) falconry regulations.
- B. To the fullest extent practicable, any regulations adopted shall be consistent with all expressions of current board intent.
- C. To the fullest extent practicable, adjustments will only be made to the Falconry Manual in effect at the time, and adjustments will be minimized regarding other regulatory changes.
- D. To the extent it is possible within the time available to act, the commissioner must attempt to obtain the views of the members of the board before adopting such regulations under this delegation if the matter involves a major policy decision.
- E. Falconry regulations adopted under this delegation may be made permanent in accordance with the Administrative Procedures Act (AS 44.62).

ADF+G

F. This delegation shall remain in effect until revoked by the board.

Vote: \_\_\_\_\_

15 January 2012

Anchorage, Alaska

\_\_\_\_\_  
Cliff Judkins, Chairman

Alaska Board of Game

RC62

**Proposal 40 Falconry**  
**Allow nonresident take of wild raptors**

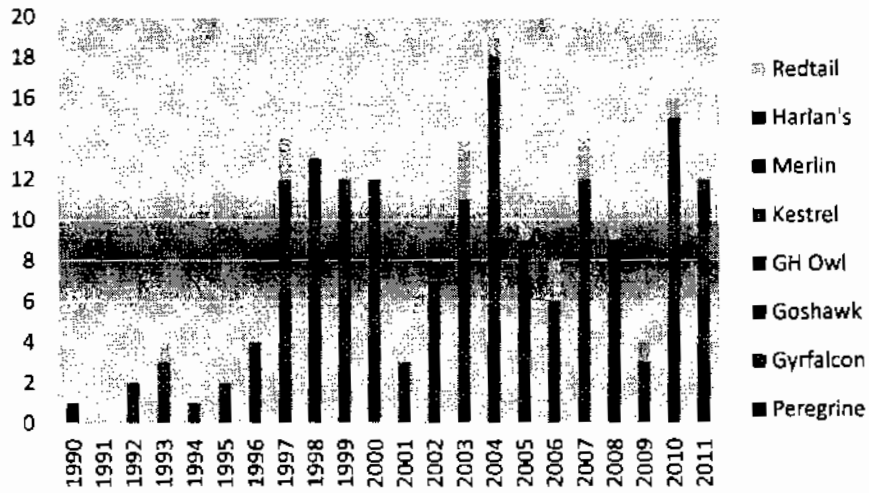
- Proposal intent
- Nonresidents allowed to capture
  - 3 gyrfalcons
  - 3 Peale's peregrine falcons (subspecies)
  - 2 anatum peregrine falcons (subspecies)
  - 2 tundra peregrine falcons (subspecies)
  - 3 merlins (species of falcon)
  - 3 goshawks
  - 3 red-tailed hawks
  - 3 sharp-shinned hawks

**Proposal 40 Falconry**  
**Allow nonresident take of wild raptors**

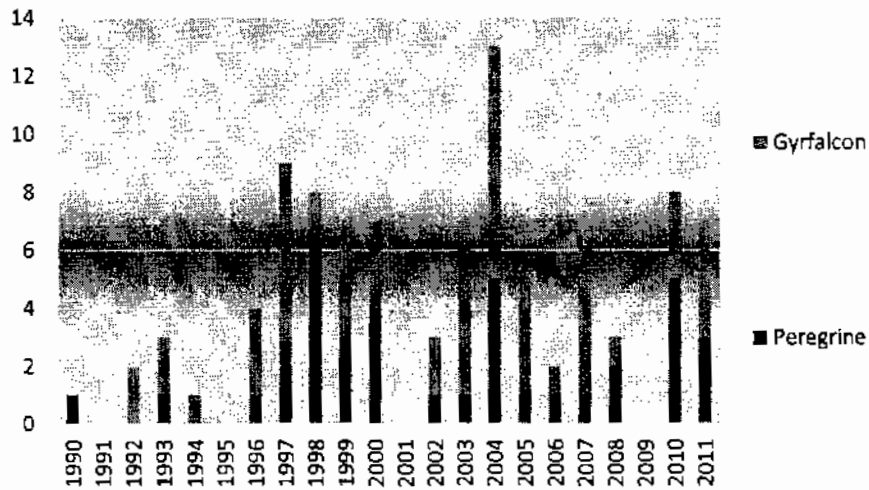
- Take allowed for certain species in specific GMU's
- Lottery take
- Certain areas off limits
- Private property issues (Native lands)

ADF-G

### Falconry birds taken from the wild by year

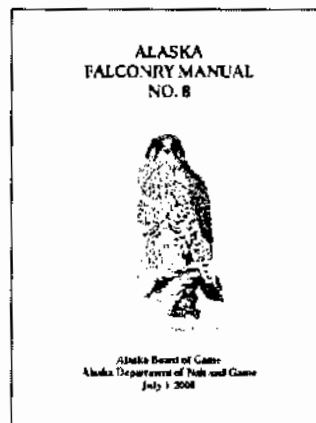


### Gyrfalcons and Peregrine falcons taken from the wild by year



## Sustained yield and allowable take

- Joint Federal State Permit
- State Regulation 5 AAC 92.037 Permits for falconry
- Alaska Falconry Manual No. 8 – 2008 – standards adopted by reference



## Differences between Alaska Falconers Assoc & ADF&G Proposal

- Few, most issues resolved
- 1. Species List
  - AFA – includes nearly all of Federal List
  - ADF&G – species actually used in falconry and some non-Alaska species
  - Hybrids allowed under both proposals
- 2. Annual Report
  - AFA suggests NO annual report (not required under federal framework)
  - ADF&G suggests continuing annual report, at least until federal tracking system is known to work (2-3 more years)

## Proposal 40

No Recommendation - allocation issue

## Proposal 40

- Comments/Questions
- Consider using Drawing system (currently \$100 nonresident license + \$5 drawing fee)
- No tag fee currently in statute
- Scope of nonresident take
  - USA nonresidents only
  - Alien nonresidents? (Europe & Arabia)
- Coordination with other agencies for Peregrine Falcon harvest
  - Federal Rule for peregrine harvest (e.g., Pacific Flyway Council)
- Eys/nestling harvest and/or passage/autumn harvest?





## Proposal 40 nonresident take

– Scope of nonresident take

- USA nonresidents only
- Alien nonresidents? (Europe & Arabia)

