

ALASKA DEPARTMENT OF FISH AND GAME
STAFF COMMENTS
STATEWIDE PROPOSALS
ALASKA BOARD OF GAME MEETING
ANCHORAGE, ALASKA
NOVEMBER 10-17, 2017



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Game meeting, November 10-17, 2017 in Anchorage, Alaska, and are prepared to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final department positions will be formulated after review of written and oral testimony presented to the board.

PROPOSAL 1 – 5 AAC 92.990(a)(6). Definitions. Modify the definition of bag limit to replace the word “take” with “kill or harvest”.

PROPOSED BY: John Frost

WHAT WOULD THE PROPOSAL DO? This proposal seeks to change the definition of bag limit by replacing the word “take” with the word “kill”.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.990(a)(6) “bag limit” means the maximum number of animals of any one game species a person make take in a unit or portion of a unit in which the taking occurs; an animal disturbed in the course of legal hunting does not count towards a bag limit;

AS 16.05.940(35) “take” means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would nullify existing regulations that count wounded animals as the bag limit. In Units 1-5 and 8, wounded bears count against the person’s bag limit. In Unit 8 wounded elk count against the person’s bag limit.

BACKGROUND: The proponent suggests the definition of take, as established by the legislature, has too broad of a meaning to be used in the definition of bag limit and suggests the word kill is more appropriate. The board held deliberations on an almost identical proposal at the March 2016 Statewide meeting and failed that proposal by a vote of 1-6.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not address a biological concern; however it has the potential to increase harvest in Units 1-5 and 8 for bears, and Unit 8 for elk.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 2 – 5 AAC 92.003. Hunter education and orientation requirements; 5 AAC 92.130. Restrictions to bag limit; and 5 AAC 92.990(a)(87). Definitions. Modify the definition of youth hunt, allow youth hunters to obtain their own harvest ticket, and remove the hunter education requirement for youth hunters.

PROPOSED BY: Jacob Mattila

WHAT WOULD THE PROPOSAL DO? This proposal seeks multiple changes to allow hunters aged 8 and 9 to participate in youth hunts and to have their own bag limit when doing so.

AS 16.05.255(i) states, in the case of youth hunts, that the bag limit must count toward the bag limit of both the youth hunter and the accompanying adult, and because of this a change in statute would be required to implement the proposal as written. The proposal also removes the hunter education requirement for youth participating in youth hunts.

WHAT ARE THE CURRENT REGULATIONS?

AS 16.05.255(i) For the purpose of encouraging adults to take children hunting, the board shall establish annual hunting seasons in appropriate areas of the state for hunting big game, other than bison and musk ox. Only a resident child accompanied by a resident adult or a child accompanied by the child's resident parent, resident grandparent, resident stepparent, or resident legal guardian may take big game in an area where a season established under this subsection is in effect. The adult, parent, grandparent, stepparent, or legal guardian who accompanies the child may only assist the child in taking big game. A big game animal taken under this subsection, except for a Sitka blacktail deer when the harvest limit for the deer is one for each person, must be counted against the bag limits of both the child and the adult, parent, grandparent, stepparent, or legal guardian who accompanies the child. In this subsection,

- (1) "adult" means an individual who is 21 years of age or older;
- (2) "child" means an individual who is not more than 17 years of age and not younger than eight years of age.

5 AAC 92.003(a) Beginning August 1, 2002, a person born after January 1, 1986 that is

(1) required to have a hunting license must have successfully completed a certified hunter education course in order to hunt in Units 7, 13, 14, 15, and 20;

(2) not required to have a hunting license, and who has not successfully completed a certified hunter education course, must, in order to hunt in Units 7, 13, 14, 15, and 20, be under the direct immediate supervision of a licensed hunter who

(A) is 16 years of age or older and has successfully completed a certified hunter education course; or

(B) was born on or before January 1, 1986.

(b) notwithstanding (a) of this section, a resident hunter who is 10 through 17 years of age at the start of the hunt, and has successfully completed a certified hunter education course, is allowed to hunt on behalf of a permit holder who is at least 16 years of age, under the direct immediate supervision of that permit holder, who is responsible for ensuring that all legal requirements are met.

...

(j) A hunter 10 through 17 years of age participating in a youth hunt must have successfully completed a department-approved basic hunter education course.

5 AAC 92.010(d) A hunter who is younger than 10 years of age may not be issued a harvest ticket.

(e) For a permit hunt, the permit takes the place of a harvest ticket and report.

5 AAC 92.130(e) A hunter who is under 10 years of age may take big game only under the direct, immediate supervision of a licensed hunter who is at least 16 years of age. The supervising hunter is responsible for ensuring that all legal requirements are met. The big game animal taken will count against the supervising hunter's bag limit. This section does not relieve an individual from complying with big game tag requirements, but does require a supervising hunter to validate the hunter's harvest ticket, or permit, in accordance with 5 AAC 92.010, immediately following the taking of big game under this section.

...

(i) A big game animal, except deer in an area where the bag limit is one, taken under a youth hunt, will count as the bag limit of both the child and the supervising hunter who accompanies the child; only the child may shoot the big game animal, except that the accompanying adult may shoot the animal only to prevent the animal from escaping after having been wounded by the child. The supervising hunter is responsible for ensuring that all legal requirements are met.

5 AAC 92.990(a)(87) "youth hunt" means a hunt limited to a child aged 10 to 17 and an accompanying adult; if the child is a

(A) resident, the accompanying adult may be any licensed hunter 21 years of age or older;

(B) nonresident, the accompanying adult must be a licensed resident hunter 21 years of age or older who is a parent, stepparent, or legal guardian of the child;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the proposal will allow hunters aged 8 and 9 to participate in youth hunts with their own bag limit and permit or harvest ticket. AS 16.05.255(i) states the bag limit must count toward the bag limit of both the youth hunter and the accompanying adult, and because of this a change in statute would be required to implement the proposal as written. This proposal would also remove the requirement for the youth hunter to have successfully completed basic hunter education prior to participating in the youth hunt.

BACKGROUND: In 2001 the legislature modified AS 16.05.255 to include a piece of statute specifically to encourage adults to take children hunting. In 2002 the board created 5 AAC 92.036 Permit for taking a child hunting. This regulation contained very detailed information about when and where the hunts could take place. At the same time the board created the first youth hunts, one in Unit 20B for moose, and one in Unit 20D for moose. The one in Unit 20B was the only one that fully conformed to 5 AAC 92.036 and the statute, and in 2004 that hunt was repealed. Between 2004 and 2017 the board added 7 additional youth hunts, which vary from general season harvest ticket hunts, to registration permits, to the more common drawing permits.

In 2012 the board encouraged the department to identify hunting opportunities for youth in Interior Alaska. A proposal was submitted to create a moose hunt in Unit 20B, and the proposal contained statewide components. The statewide portion of the proposal was deferred to the 2014 statewide board meeting. All of the existing youth hunts were examined for ways to bring them closer into compliance with the statute and to eliminate unnecessary regulations.

In 2014 the board repealed 5 AAC 92.036 in its entirety and created a definition of youth hunt which contained the shared bag limit language as required in statute, and included the existing hunter education component.

There are some units, hunts, and management areas that require hunters to have hunter education, so adopting this proposal as written may not nullify the hunter education requirement for all youth hunts. Those hunts will need to be examined on a case by case basis.

The board also has existing regulations that do not allow hunters under the age of 10 to be issued big game harvest tickets or permits (5 AAC 92.010) and an existing regulation that does not allow hunters under the age of 10 to have their own bag limit for big game (5 AAC 92.130).

Other states have varying types of youth hunts, and the majority of them require hunter education. The most common accommodation for young hunters in other states is a youth class of license. Typically they are a fraction of the cost of a full license, and most require hunter education in addition to an adult sponsor or supervising hunter. Those types of licenses are intended to get hunters interested in hunting and to encourage an early and positive relationship with the state game managers. Creation of any new kind of license class would require statutory changes.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not address a biological concern; however a portion of the proposal does appear to be in conflict with an existing statute.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 3 – 5 AAC 85. 010-075. Seasons and bag limits for all species; 5 AAC 92.130. Restrictions to bag limit; 5 AAC 92.132. Bag limit for brown bears; 5 AAC 92.990. Definitions. Modify the definition of regulatory year by replacing it with calendar year.

PROPOSED BY: Joseph Waters

WHAT WOULD THE PROPOSAL DO? The proposal seeks to replace regulatory year with calendar year for hunting regulations.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 84.260. It is lawful to trap a furbearer only in a game management unit or a portion of a unit open to trapping in accordance with the open season and bag limit prescribed in 5 AAC 84.270. Bag limits and open seasons are based upon the regulatory year.

5 AAC 85.010 – .075. Seasons and bag limits.

5 AAC 92.130(c) A bag limit applies to a regulatory year unless another time period is specified in the bag limit.

5 AAC 92.990(a)(68) “regulatory year” means July 1 – June 30;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal only speaks to hunting; however, trapping regulations are also on a regulatory year basis. If adopted, this proposal would align regulatory years with calendar years.

BACKGROUND: Hunting and trapping regulations in Alaska have been on a July 1 – June 30 regulatory year dating back to at least 1949, if not further. Federal hunting and trapping regulations are also on a July 1 – June 30 regulatory year. Of all the complex regulations the hunting public is required to navigate, this one is the least cumbersome, and this is the first proposal the department has seen of this nature. The existing regulatory year allows a reset of annual bag limits during a time in which little hunting and no trapping occurs. It is the least obtrusive time to “start anew” for hunters and trappers. Seasons that are open during the winter months are typically in areas where we have the most difficulty explaining new regulations and getting word to the hunters.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not address a biological concern. Changing hunting and trapping seasons to calendar year management versus existing regulatory year management would require an extensive rewrite of 5 AAC 84, 5 AAC 85, and 5 AAC 92, approximately 18 months to transition, and likely create more confusion than it would solve. An alternative would be to change license and tags to operate on a regulatory year basis may clear up some of the confusion, though that change would need to be done by the legislature, and the impact to the fishing industry would likely be so drastic that it would be a non-starter.

COST ANALYSIS: Adoption of this proposal is expected to result in additional costs to the department in the form of major database and systems modification.

PROPOSAL 4 – 5 AAC 92.990. Definitions. Modify the definition of edible meat of large game birds.

PROPOSED BY: Native Caucus of the Alaska Migratory Bird Co-Management Council

WHAT WOULD THE PROPOSAL DO? The proposal seeks to change the definition of edible meat for cranes, geese, and swans to include the meat of the back, wings, gizzard, and heart.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.990(a)(26) “edible meat” means...in the case of small game birds, except for cranes, geese, and swan, the meat of the breast; in the case of cranes, geese, and swan, the meat of the breast and the meat of the femur and tibia-fibula (legs and thighs);...

5 AAC 92.990(a)(70) “Salvage” means to transport the edible meat, heart, liver, kidneys, head, skull, or hide, as required by statute or regulation, of a game animal or small game bird to the location where the edible meat, heart, liver, or kidneys will be consumed by humans or processed for human consumption in order to save or prevent the edible meat, heart, liver, or kidneys from waste, and the head, skull, or hide will be put to human use;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted hunters will be required to salvage more meat from large game birds, and the new salvage requirements will match the existing salvage requirements for federal subsistence hunting in Alaska. Hunters will be required to salvage the meat of the breast, back, wings, gizzard, heart, and meat of the femur and tibia-fibula (legs and thighs) of cranes, geese, and swans.

BACKGROUND: While not a regulatory requirement, the department encourages the use of all edible meat beyond what is required to be salvaged. How a person uses different parts of small game birds can vary considerably. Salvage regulations have been applied to all game meat, including small game, on a statewide basis to establish minimum standards to ensure responsible use of game animals. Federal migratory bird subsistence harvest regulations were recently modified by adding a definition of “edible meat” that means meat from the breast, back, thighs, legs, wings, gizzard, and heart. Subsistence harvest and possession of migratory birds must be done using non-wasteful taking (akin to “salvage” by definition in 5 AAC 92.990(a)(70)).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal since it does not affect sustained yield management capabilities and does not address nor present a biological concern.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 5 – 5 AAC 92.990. Definitions. Modify the definition of moose antler point/tine, and adopt a definition of “fork”.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? Clarify the definition of “Spike-Fork” bull moose, provide a definition of “Fork” bull moose and clarify the definitions of “point” and “brow tine” with reference to projections within 2 inches of the base.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.990(a)(61) “point” means any antler projection that is at least one inch long, and that is longer than it is wide, measured one inch or more from the tip;

5 AAC 92.990(a)(46) “moose antler” definitions:

(A) “spike-fork antlers” means antlers of a bull moose with only one or two tines on at least one antler; an antler point or tine originating within two inches from the base, and less than three inches in length, will not be counted as a tine, male calves are not considered spike-fork bulls;

5 AAC 92.990(a)(13) “brow tine” means a tine emerging from the first branch or brow palm on the main beam of a moose antler; the brow palm is separated from the main palm by a wide bay; a tine originating in or after this bay is not a brow tine;

5 AAC 92.990(a)(80) “tine” has the same meaning as “point”;

There currently is no definition of a “fork” bull.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

This proposal seeks to clarify regulations in several areas. The effect will reduce confusion by moose hunters hunting in selective harvest areas. Specifically these proposed regulations:

- 1) Make it clear that a projection originating within 2 inches of the base is neither a brow tine nor a point and not considered when hunters are evaluating antler configurations.
- 2) Creates a definition of “fork” bull moose and
- 3) Clarifies that “spike-fork” bulls can have either a spike or a fork on one side.

BACKGROUND: Selective harvest regulations have changed through the years and become more complex. In 1987 the selective harvest system was adopted for the Kenai Peninsula. Legal moose were restricted to “spike-fork” or “50 inch” (also defined as those with 3 brow tines). As proposals were adopted for other parts of the state regulations were adjusted to meet local variations in antlers. Today there are 50 inch 3BT, 4BT and 2BT by 2BT descriptions of legal moose in regulation. There are also Spike-Fork and Spike categories of legal moose. Proposals have recently been considered for other configurations. Understandably, some confusion has precipitated the need to review these regulations for consistency.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: There would be no cost to the public and only slight cost to the department to update regulations and education materials.

The following comment was revised 11/3/2017. The revised comment is available on the Board of Game Statewide Regulations Meeting information webpage at:

[www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=11-10-2017&meeting=anchorage.](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=11-10-2017&meeting=anchorage)

PROPOSAL 6 – 5 AAC 92.095. Unlawful methods of taking furbearers; exceptions. Allow the incidental take of up to two furbearers per year during an open season for other furbearers.

PROPOSED BY: Copper Basin Fish and Game Advisory Committee

WHAT WOULD THE PROPOSAL DO? Allow 2 total incidental furbearer catch by trapping per licensed trapper per year.

WHAT ARE THE CURRENT REGULATIONS? The current regulations regarding trapping can be found in 5 AAC 92.095 and in the current trapping regulations.

If a non-target furbearer is caught during the closed season for that species, it is the property of the state and must be transported immediately to the nearest ADF&G or Alaska Wildlife Troopers office and surrendered.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow licensed trappers to legally keep closed season furbearer and other species incidentally even if there is no season or bag limit for the species that was incidentally caught. This would also allow licensed trappers to target “incidental” species such as wolverine, lynx, wolf, and likely others during closed seasons for those species due to the value and opportunity provided by allowing for trappers to retain incidental furbearer catch.

BACKGROUND: There has been interest from trappers in the past to allow for the possession of incidental caught furbearers due to the time and effort involved in handling and processing non-target catch. Understandably, the current regulations require trappers to turnover non-target furbearers to the state as they are the property of the state if taken during the closed season for these species. These non-target catches are typically processed and sold at the department’s fur auctions every winter in Anchorage or Fairbanks.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal due to the potential for abuse and the challenge of allowing for legal take of specific high-value furbearers when populations of those species are showing reduced numbers in specific game management units.

COST ANALYSIS: Adoption of this proposal would not result in additional cost for the department.

PROPOSAL 7 – 5 AAC 92.090. Unlawful methods of taking fur animals; 5 AAC 92.095. Unlawful methods for taking furbearers; exceptions. Allow the use of bow and arrow to harvest beaver under a trapping license statewide.

PROPOSED BY: John D. Frost

WHAT WOULD THE PROPOSAL DO? Allow harvest of beaver with bow and arrow statewide.

WHAT ARE THE CURRENT REGULATIONS? Under current trapping regulations, taking beaver by any means other than a steel trap or snare is prohibited, except that a firearm may be used to take 2 beaver per day in Units 9 and 17 from Apr. 15 through May 31 if the meat is salvaged for human consumption; a firearm may be used to take beaver in Units 1-5, 8, 18, 22 and 23 throughout the seasons and with the bag limits established in 5 AAC 84; a firearm or bow and arrow may be used to take beaver in Unit 17 from Dec. 1 through April 14 if the meat is salvaged; a firearm or bow and arrow may be used to take beaver in Units 12, 19, 20(A), 20(C), 20(E), 20(F), 21, 24, and 25 throughout the seasons and with the bag limits established in 5 AAC 84;

Under current hunting regulations, beavers may be taken by all allowable methods of taking game, except they may not be taken by using a dog, trap, snare, net, or fish trap, and dens may not be destroyed or disturbed in the course of hunting.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted as written, it is not currently clear exactly what the proposal asks for. The board would need to determine if beaver would be allowed to be taken by bow and arrow during all existing open trapping seasons.

BACKGROUND: The harvest methods for beaver in some areas of the state currently allow for the take of beaver using firearms and bow and arrow. This is to provide for additional opportunity to take these animals outside of traditional trapping methods and allow for and increase their take as food.

This proposal would allow for more general hunting opportunity for take with bow and arrow thereby providing more opportunity for bowhunters to take beaver during the beaver seasons currently described in the trapping regulations.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on allowing the harvest of beaver with bow and arrow statewide as there is no biological concern and this method of harvest is already allowed in several game management units in the state.

COST ANALYSIS: Adoption of this proposal would not result in additional cost for the department.

PROPOSAL 8 – 5 AAC 92.095. Unlawful methods for taking furbearers. Remove the same day airborne restrictions for taking wolf and wolverine with a trapping license.

PROPOSED BY: John Frost

WHAT WOULD THE PROPOSAL DO? The proposal seeks to allow wolves and wolverines to be shot the same day a person has flown, provided the person has a trapping license, there is an open trapping season, and the person is 300 feet or more from the airplane.

WHAT ARE THE CURRENT REGULATIONS?

AS 16.05.783(a) A person may not shoot or assist in shooting a free-ranging wolf or wolverine the same day that a person has been airborne...

5 AAC 92.090(3) a person who has been airborne may not take or assist in taking a fur animal until after 3:00 a.m. following the day in which the flying occurred; this paragraph does not apply if the person is at least 300 feet from the airplane at the time of taking.

5 AAC 92.095(a)(8) a person who has been airborne may not use a firearm to take or assist in taking a wolf or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred; or in taking a coyote, arctic fox, red fox, or lynx, unless that person is over 300 feet from the airplane at the time of the taking; this prohibition does not apply to a trapper using a firearm to dispatch an animal caught in a trap or snare;

5 AAC 92.990(a)(9) “big game” means black bear, brown bear, bison, caribou, Sitka black-tailed deer, elk, mountain goat, moose, muskox, Dall sheep, wolf, and wolverine; “big game”, for the purposes of a youth hunt, does not include bison or muskox;

5 AAC 92.990(a)(31) “fur animal” means a beaver, coyote, arctic fox, red fox, lynx, flying squirrel, ground squirrel, or red squirrel that has not been domestically raised; “fur animal” is a classification of animals subject to taking with a hunting license;

5 AAC 92.990(a)(32) “furbearer” means a beaver, black bear, coyote, arctic fox, red fox, lynx, fisher, 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;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the proposal would allow wolves and wolverines to be shot the same day a person has flown, provided the person has a trapping license, there is an open trapping season, and the person is 300 feet or more from the airplane. This may put board regulations in conflict with AS 16.05.783.

BACKGROUND: AS 16.05.783 prohibits the shooting of free-ranging wolves and wolverines the same day a person has been airborne. 5 AAC 92.090(3) allows for fur animals to be taken the same day a person has been airborne, however it does not apply to wolves and wolverines because they are not fur animals. Wolves and wolverines are dual classified as big game and furbearers. 5 AAC 92.085, unlawful methods of taking big game, clearly states wolves and wolverines are not allowed to be taken during hunting seasons, with a hunting license, the same day a person has flown. This regulation is in alignment with the statute. 5 AAC 92.095, unlawful methods of taking furbearers, clearly states wolves and wolverines are only allowed to be taken by firearm during trapping seasons, with a trapping license, the same day a person has flown if the wolf or wolverine is caught in a trap or snare. Those trapping during the open trapping season may only shoot a free-ranging wolf or wolverine after 3:00 a.m. the day following the day in which the person was airborne. The provision that allows for trappers to dispatch wolves and wolverines that are caught in snares or traps is what keeps the regulation in alignment with the statute.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not address a biological concern; however there is a potential to create a regulation that is in direct conflict with an existing statute, so careful consultation with the Department of Law should occur prior to adopting this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 9 – 5 AAC 92.090. Unlawful methods of taking fur animals and 5 AAC 92.095. Unlawful methods of taking furbearers, exceptions. Modify the land and shoot requirements for harvesting coyotes.

PROPOSED BY: Upper Tanana Fortymile Fish and Game Advisory Committee

WHAT WOULD THE PROPOSAL DO? The intent of the proposal is to allow the harvest of coyotes by land and shoot methods that do not require the person to be over 300 feet from the airplane, under both hunting and trapping regulations.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.090(3) a person who has been airborne may not take or assist in taking a fur animal until after 3:00 a.m. following the day in which the flying occurred; this paragraph does not apply if the person is at least 300 feet from the airplane at the time of taking.

5 AAC 92.095(a)(8) a person who has been airborne may not use a firearm to take or assist in taking a wolf or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred; or in taking a coyote, arctic fox, red fox, or lynx, unless that person is over 300 feet from the airplane at the time of the taking; this prohibition does not apply to a trapper using a firearm to dispatch an animal caught in a trap or snare;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted as written hunters would be able to harvest coyotes if they are less than 300 feet from the airplane; the proposal would also allow trappers the ability to harvest a coyote not caught in a trap or snare with a firearm within 300 feet of the airplane.

If this proposal is adopted hunters and trappers may be in violation of the Federal Airborne Hunting Act if their activities are viewed as harassing an animal while the plane is still airborne; however, there are no Alaska statutes or regulations currently prohibiting the board from adopting this proposal for coyotes.

If same-day airborne, land and shoot within 300 feet of an airplane was allowed for coyotes, minimal take would be expected by this method due to low fur value of coyotes, the high expense of operating an aircraft, the difficulty in tracking and spotting coyotes from the air, and the limited likelihood of finding coyotes in suitable landing locations. Therefore, there is no biological concern if this regulation is adopted for coyotes. In addition competition for coyotes with trappers using traditional trapping and snaring methods would likely be minimal due to the low take anticipated by same-day airborne land and shoot.

BACKGROUND: To keep Alaska hunters and trappers from being in violation of the federal Airborne Hunting Act, the board has adopted regulations that prohibit the take of animals the same day a person has been airborne unless that person is more than 300 feet from the airplane at the attempt to take game.

Coyotes are an underutilized furbearer in Alaska, with 97–386 raw coyote furs reported exported annually by Raw Fur Export Permit data during regulatory year 2010 (RY10; i.e., RY10 = July 1, 2010 through June 30, 2011) through RY12 and 184–329 coyotes reported being acquired by Alaska fur buyers annually during RY10–RY11. Coyotes are rarely the primary target species of Alaska trappers based on responses to the department’s annual trapper questionnaire and anecdotal information from Interior trappers. During RY10–RY12, less than 5% of trappers ranked coyotes as the most important species they were trying to targeting (2010–2011 through 2012–2013 Alaska Trapper Questionnaire Reports <http://www.adfg.alaska.gov/index.cfm?adfg=trapping.reports>).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because there is no biological concern.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 10 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions. Repeal the restriction on the use of aircraft for taking big game, or impose the restriction for all big game.

PROPOSED BY: Mike McCrary

WHAT WOULD THE PROPOSAL DO? The proposal has two options; and it appears the goal behind both is to treat all big game species equally when it comes to hunting with the use of aircraft. The first option is to repeal the existing regulation in its entirety; the second option is to remove 5AAC 92.085(8)(A), (D), and (G), which are the exceptions to same-day airborne hunting for deer, caribou, and bears at bait stations.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.085(8) a person who has been airborne may not take or assist in taking a big game animal and a person may not be assisted in taking a big game animal by a person who has been airborne until after 3:00 a.m. following the day in which the flying occurred, and from August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season, however, aircraft other than helicopters may be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep. The Board of Game finding 2016-213-BOG, dated March 17, 2016, is adopted by reference. Restrictions in this paragraph do not apply to

- (A) taking deer;
- (B) repealed 7/1/92;
- (C) a person flying on a regularly scheduled commercial airline, including a commuter airline;
- (D) taking caribou from January 1 through April 15, in Unit 22 if the hunter is at least 300 feet from the airplane at the time of taking;
- (E) repealed 7/1/2009;
- (F) repealed 7/1/2008;

(G) a hunter taking a bear at a bait station with the use of bait or scent lures with a permit issued under 5 AAC 92.044, and if the hunter is at least 300 feet from the airplane at the time of taking;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the first option is adopted and 5 AAC 92.085(8) is repealed in its entirety there will be no restrictions on the use of aircraft to harvest big game. However, if the first option is adopted as written, there will still be restrictions on the use of aircraft to take wolves and wolverine during trapping seasons, because those are dual classified as big game and furbearers, but the proposal only addresses big game. For the same reason, hunters taking fur animals will also still be subject to the “after 3:00 a.m.” provision because that regulation is in 5 AAC 92.090, not 5 AAC 92.085. If the first option passes, big game hunters will be able to use aircraft to spot game, and will be able to harvest big game the same day they have flown, however hunters and trappers will not be able to harvest a fur animal or furbearer the same day they have flown.

If the second option is adopted only four species will be affected. Deer, caribou, black bears and brown bears will no longer be able to be taken the same day a person has flown, and the existing prohibition on the use of aircraft for spotting sheep will remain in place. Currently the provision that allows hunters to harvest deer the same day they have flown is applicable statewide. Only caribou in Unit 22 from January 1 through April 15 are allowed to be taken the same day a hunter has flown, and the hunter must be at least 300 feet from the airplane at the time of take. Bears are only allowed to be taken at bait stations in areas authorized by the board under the bear baiting regulation (5 AAC 92.044), the bear must be at the bait station and the hunter must be at least 300 feet from the airplane at the time of take.

BACKGROUND: During the 2015 board cycle, the board adopted a proposal to restrict aircraft use for sheep. The current regulation allows hunters to use an aircraft to establish and maintain sheep hunting camps, but prohibits the use of aircraft to spot or locate sheep during the hunting season.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because there is no biological concern.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 11 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions. Modify the restrictions on the use of aircraft for sheep hunting.

PROPOSED BY: Alaska Professional Hunters Association

WHAT WOULD THE PROPOSAL DO? This proposal would modify unlawful methods of taking big game; exceptions so that an aircraft may not intentionally approach any sheep or group of sheep closer than 1000 feet, or repeatedly approach them in a manner that results in them altering their behavior.

WHAT ARE THE CURRENT REGULATIONS? The current regulations regarding the use of aircraft for Dall sheep hunting were passed in March 2015 by the Board of Game.

From August 10 – September 20, aircraft may only be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep. A person may not use or employ an aircraft to locate sheep or direct hunters to sheep during the open hunting season.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Hunters would be able to use aircraft to locate sheep during the sheep hunting season with restrictions by prohibiting the intentional approach of any sheep or group of sheep closer than 1000 feet, or repeatedly approach them in a manner that results in them altering their behavior. This prohibition is not intended to prohibit any flight maneuvers that are necessary to make an informed and safe landing in the field.

BACKGROUND: During the 2015 board cycle, the board adopted a proposal to restrict aircraft use. The regulation allows for hunters to use an aircraft to establish and maintain sheep hunting camps, but prohibits the use of aircraft to spot or locate sheep during the hunting season. The board received seven proposals that addressed this regulation at the 2016 Statewide Board of Game meeting and will be addressing this and one other proposal at the November 2017 Statewide Board of Game meeting. Proposal 55 seeks to rescind the current regulation restricting the use of aircraft for hunting sheep.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on allowing this type of aircraft use during sheep hunts because it does not create or address a biological concern.

COST ANALYSIS: Adoption of this proposal would not result in additional cost for the department.

PROPOSAL 12 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions.
Remove the restriction for the use of aircraft for spotting sheep by aircraft.

PROPOSED BY: John D. Frost

WHAT WOULD THE PROPOSAL DO? This proposal would remove the restriction on the use of aircraft for spotting Dall sheep (rescind the regulations created by passing the Board Generated Proposal 207).

WHAT ARE THE CURRENT REGULATIONS? The current regulations regarding the use of aircraft for Dall sheep hunting were passed in March 2015 by the Board of Game.

From August 10 – September 20, aircraft may only be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep. A person may not use or employ an aircraft to locate sheep or direct hunters to sheep during the open hunting season.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Hunters would be able to use aircraft to locate and evaluate Dall sheep rams during the sheep hunting season.

BACKGROUND: During the 2015 board cycle, the board adopted a proposal to restrict aircraft use. The regulation allows for hunters to use an aircraft to establish and maintain sheep hunting camps, but prohibits the use of aircraft to spot or locate sheep during the hunting season. The board received seven proposals that addressed this regulation at the 2016 Statewide Board of Game meeting and will be addressing this and one other proposal at the November 2017 Statewide Board of Game meeting. Proposal 42 seeks to modify the existing regulation language while not eliminating the use of aircraft of spotting sheep.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on allowing this type of aircraft use during sheep hunts because it does not create or address a biological concern.

COST ANALYSIS: Adoption of this proposal would not result in additional cost for the department.

PROPOSAL 13 – 5 AAC 92.080. Unlawful methods of taking game; exceptions. Clarify the legal use of cellular and satellite telephones.

PROPOSED BY: Alaska Wildlife Troopers

WHAT WOULD THE PROPOSAL DO? The proposal seeks clarification for when cell phone and satellite phones may be used by hunters to take game, and/or clarification of when those devices may not be used.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.080(7) with the aid of a pit, fire, artificial light, laser sight, electronically enhanced night vision, any forward looking infrared device, any device that has been airborne, controlled remotely, and used to spot or locate game with the use of a camera or video device, radio communication, cellular or satellite telephone, artificial salt lick, explosive, expanding gas arrow, bomb, smoke, chemical (excluding scent lures), or a conventional steel trap with an inside jaw spread over nine inches, except that

(A) a rangefinder may be used;

- (B) a killer style trap with a jaw spread of less than 13 inches may be used
- (C) artificial light may be used:
 - (i) for the purpose of taking furbearers under a trapping license during an open season November 1 – March 31 in Units 7 and 9 – 26;
 - (ii) by a tracking dog handler with one leashed dog to aid in tracking and dispatching a wounded big game animal;
 - (iii) to aid in tracking, recovering, and dispatching a wounded game animal without the use of a motorized vehicle;
 - (iv) by a resident hunter taking black bear under customary and traditional use activities at a den site from October 15 through April 30 in Unit 19(A), that portion of the Kuskokwim River drainage within Unit 19(D) upstream from the Selatna River drainage and the Black River drainage, and in Units 21(B), 21(C), 21(D), 24 and 25(D);
- (D) repealed 7/1/2008;
- (E) in a Unit 20(D) bison hunt, the use of ground based radio communications, including cellular or satellite telephones, to locate bison is allowed;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted hunters would clearly know how and when they can and cannot use a cellular or satellite telephone.

BACKGROUND: Technology has advanced rapidly over the years, and wildlife regulations fail to keep up with it. One example is game cameras that are placed in the field and send photographs via text or email to cellular phones. Emails are also accessible on cellular phones, and since email is not a currently prohibited technology, the line between legal and not legal has been blurred. Similarly, hunters question whether or not they can call, text, or email each other between cellular phones when not in the field for hunt planning. At face value, it appears to not be legal, however it appears to be near impossible to enforce. Each year hunters ask if using that technology is legal, and the appropriate entity to answer the question is the board. This is one of many technological advances the board has had in front of it in recent history.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because there is no biological concern; however it may lead to an indeterminate increase in harvest.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

**ANALYSIS
and
RECOMMENDATIONS
for**

BOARD OF GAME PROPOSALS 14 and 15

Regulations:

5 AAC 92.080. Unlawful methods of taking big game, exceptions.

5 AAC 92.260. Taking cub bears and female bears with cubs prohibited.

The department is in the process of preparing draft analysis and recommendations for Proposals 14 and 15, which address the take of bears in dens. The department will provide its analysis and recommendations in advance of the November 2017 Statewide Board of Game meeting.

PROPOSAL 16 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions. Allow the use of high powered air guns to hunt big game in muzzleloader-only areas and nonrestricted weapon areas.

PROPOSED BY: Val Gamerman

WHAT WOULD THE PROPOSAL DO?

This proposal would allow a high-powdered airgun to be used to hunt big game in muzzleloader-only areas and non-restricted weapon areas.

This proposal would also define an “airgun” as the following:

“Airgun” means a device that launches a pellet or bullet or other projectile like an arrow through the use of compressed air and is a minimum .357 caliber and has a minimum muzzle energy of 100 foot pounds.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.085. Unlawful methods of taking big game; exceptions. The following methods and means of taking big game are prohibited in addition to the prohibitions in 5AAC 92.080:

- (1) With the use of a firearm other than a shotgun, muzzleloader, or rifle or pistol using a center-firing cartridge, except that

(B) the use of a muzzleloader is prohibited unless the firearm is a shoulder mounted long gun, 45 caliber or larger, with a barrel that is either rifled or smoothbore, and discharges a single projectile;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

This proposal would allow a high-powdered airgun to be used to harvest big game in muzzleloader-only areas and non-restricted weapon areas.

BACKGROUND:

Currently in Alaska, small game can be harvested using an airgun. Here is a table of Western states and their current regulations regarding airguns.

Wyoming	No	Currently require a minimum of a .22 center fire, 60 grain bullet that is over 2 inches for antelope and deer. and a minimum .224 for center fire, 60 grain bullet that is over 2 inches for moose, elk and larger big game species.
California	No	Big game may only be taken by rifles using centerfire cartridges with softnose or expanding projectiles; bow and arrow (see Section 354 of these regulations for archery equipment regulations); or wheellock, matchlock, flintlock or percussion type, including "in-line" muzzleloading rifles using black powder or equivalent black powder substitute, including pellets, with a single projectile loaded from the muzzle and at least .40 caliber in designation •(d) Shotguns capable of holding not more than three shells firing single slugs may be used for the taking of deer, bear and wild pigs.
Arizona	Yes	.35 caliber or larger
Colorado		Centerfire Rifles-Must use expanding bullets that weigh a minimum of 70 grains for deer, pronghorn and bear, 85 grains for elk and moose, and have an impact energy (at 100 yards) of 1,000-ft.-pounds as rated by manufacturer. Muzzleloaders-Must be a single barrel that fires a single round ball or conical projectile. To hunt deer, pronghorn or bear, they must be a

		minimum of .40 caliber. To hunt elk or moose, they must be a minimum of .50 caliber. From .40 caliber to .50 caliber, bullets must weigh a minimum of 170 grains. If greater than .50 caliber, bullets must weigh a minimum of 210 grains.
New Mexico	No	Legal sporting arms for hunting big-game species (page 133) include: centerfire rifle or handgun(see individual species for caliber restrictions); shotgun no smaller than 28 gauge, firing a single slug; bow and arrows; crossbow and bolts; and muzzleloading rifle.
Hawaii	No	No person shall possess or use... guns powered by compressed gas... Legal game mammal hunting weapons include rifles, shotguns, handguns, bows and arrows, and spears and knives.
Oregon	No	No other firearm may be used for hunting during a muzzleloader-only season.
Washington	No	Rifles, handguns, shotguns, crossbows, muzzleloaders

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department has serious concerns about wounding loss, the equipment, and industry standards, if airguns are allowed to be used for harvesting big game in Alaska. If this proposal is adopted, the department asks the Board to also adopt standards for air gun equipment. The Board has standards for every other weapon used to harvest big game in Alaska in order to prevent wounding loss due to ineffective equipment. From research we found, air rifles in the .30 caliber range under 150 ft/lb are good for mid-weight animals (deer, pigs) but marginal for big game. The .40 caliber air rifles and larger that produce 300 ft/lb have been found to be more effective on big game. We would recommend more research be conducted before airguns are allowed to harvest big game in Alaska.

Also, the muzzleloader-only areas were created based on industry standards and research, and we do not feel airguns should be allowed to be used in these areas.

We would also suggest making the definition of “airgun” read as followings:

“Air guns are shoulder-mounted rifles whose projectile (bb or pellet) is propelled by compressed air or carbon dioxide in contrast to a firearm which uses combustible propellants.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 17 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Prohibit the use of air bows for taking big game.

PROPOSED BY: The Alaskan Bowhunters Association

WHAT WOULD THE PROPOSAL DO? The proposal would prohibit the use of air bows as a method of taking big game in Alaska.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

(1) With the use of a firearm other than a shotgun, muzzleloader, or rifle or pistol using a center-firing cartridge, except that

(3) With a longbow, recurve bow, or compound bow...

5 AAC 92.990. Definitions. (11) “bow” means a long bow, recurve bow, or compound bow that is a device for launching an arrow which derives its propulsive energy solely from the bending and recovery of two limbs, and that is hand-held and hand-drawn by a single and direct pulling action of the bowstring by the shooter with the shooter’s fingers or a hand-held or wrist-attached release aid; the energy used to propel the arrow may not be derived from hydraulic, pneumatic, explosive, or mechanical devices...

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

If the proposal were adopted, airbows would not be legal to use to harvest big game in Alaska.

BACKGROUND:

Currently in Alaska, small game can be harvested using an airbow in a non-weapons restricted hunt area. Airbows cannot be used in an archery-only area due to the definition of a bow, which doesn’t allow an arrow to be propelled by a pneumatic device.

Since airbows are a relatively new technology, many states do not have regulations yet referring to airbows specially. Many states however, have regulations similar to Alaska’s that don’t allow for pneumatic devices/technology to be used to propel an arrow.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department has serious concerns about safety, the equipment, and industry standards, if airbows are allowed to be used for harvesting big game in Alaska. If the board does not adopt this proposal, the department asks the Board to adopt standards for airbow equipment. The Board has standards for every other weapon used to harvest big game in Alaska in order to prevent wounding loss due to ineffective equipment.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 18 – 5 AAC 92.037. Permits for falconry. Remove the West Nile Virus testing requirement for raptors.

PROPOSED BY: Don Hunley

WHAT WOULD THE PROPOSAL DO? Remove the West Nile Virus testing requirements from Falconry Manual No. 9.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.037(a) states: A permit 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, dated July 1, 2012; that section of the falconry manual is hereby adopted by reference.

The *Alaska Falconry Manual* No. 9, Falconry Standards (31) states: **West Nile Virus Testing** – a negative titer for West Nile Virus at a 1:10 dilution from a blood sample drawn within 30 calendar days prior to the date of import, or a certificate indicating the raptor was vaccinated against West Nile Virus by a licensed veterinarian. Test results or a certificate of vaccination should accompany the application for an import permit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? West Nile Virus testing and/or vaccination would no longer be required for falconry birds imported into Alaska.

BACKGROUND: In 2013, the Department issued an addendum to the Alaska Falconry Manual No. 9 removing the WNV testing requirement. A number of falconers indicated testing was expensive, took several days for the results to come in, and the quarantine period was inconvenient. The Department reached out to Dr. Patrick T. Redig, DVM, who runs the Raptor Center at the University of Minnesota. Based on Dr. Redig’s opinions, the Department determined “environmental conditions throughout Alaska make it highly unlikely that the disease could be introduced by imported raptors.” Because the Alaska Falconry Manual is adopted by reference, changes to it must be made through the board process, and the attempted addendum was not enacted.

Multiple research papers indicate WNV can be transmitted under a variety of conditions, the most common being a bite from an infected mosquito. However, oral and cloacal shedding from infected birds can transmit the virus to naïve birds without the presence of mosquitos. A persistently infected bird may harbor the virus after its death and may transmit WNV to an

individual who scavenges on the infected carcass. Furthermore, research shows WNV has been found in a variety of habitat conditions: WNV outbreaks have occurred from New York to California and from Canada to tropical America.

Alaska is the only state in the U.S. that is WNV-free. Environmental and migration barriers have helped prevent the introduction of this disease to Alaska thus far. However, Alaska has large populations of mosquitoes that are competent vectors. In other areas when WNV first appeared, mass die-offs occurred in susceptible grouse and corvid species. The consequences for Alaska wild bird populations could be devastating. Further, research in captive owls and other raptors has demonstrated latent infections and recurrence.

Currently, all raptors imported to Alaska are required to have a health certificate issued within 30 days of the import and must have either tested negative for WNV or have been vaccinated. Other avian species and livestock imported to Alaska have comparable or greater health screening and testing requirements. WNV testing costs approximately \$25.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. WNV could cause devastating effects to wild populations of Alaska birds. Further, this is the only test required for imported raptors and can be completed when the bird is taken to a veterinarian for the mandatory health certificate.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 19 – 5 AAC 92.037. Permits for falconry. Change the nonresident season for taking passage raptors to later in the year.

PROPOSED BY: Kurt Schmidt

WHAT WOULD THE PROPOSAL DO? Change non-resident falconry season dates.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.037 (g)(8) the annual nonresident season for acquiring a passage raptor is from August 15 - October 31;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The nonresident falconry season would be moved back 20 days.

BACKGROUND: The current nonresident season dates of August 15 – October 31 were approved by the Board after a lengthy discussion in 2012. Throughout the lower 48 states, migration of raptor species typically takes place in September – November. Migration takes place slightly earlier in Alaska; therefore, allowing nonresident take of raptors in August was authorized to provide nonresidents with an opportunity to take passage birds prior to their migration out of Alaska.

In a broad sense, smaller raptor species migrate before larger species (e.g. kestrels migrate before golden eagles). However, nonresident falconers have mainly expressed interest in three species to date: gyrfalcon, goshawk, and the *pealei* subspecies of the peregrine falcon. Gyrfalcons and the *pealei* subspecies of the peregrine falcon are non-migratory, while the goshawk is partially migratory (adults don't migrate but some young do).

Many large species of raptors will return to the same area to nest annually. Once chicks fledge from the nest, the first few weeks are spent nearby while the parents continue to provision the young with food. Current season dates allow nonresidents to take these large species during these first few weeks outside of the nest; consequently, nest locations can be used and targeted by nonresident falconers to locate recently fledged young, are easily discovered, and potentially shared.

Moving the season back by 20 days (September 5 – November 20) would ensure that young raptors of these larger species have more time to mature and disperse away from the nest prior to being targeted by nonresidents. Nest locations would not be of use to nonresidents and not as easily discovered, protecting individual birds/nests from exploitation in the future. Lastly, as these larger targeted species are either non-migratory or partially migratory, passage birds remain available (sometimes more available) in September and October, providing for continued substantial opportunity for nonresident falconry take.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not present a biological concern.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 20 – 5 AAC 92.037. Permits for falconry. Limit nonresident falconers to take raptors every four or five years only.

PROPOSED BY: Alaska Falconers Association

WHAT WOULD THE PROPOSAL DO? Implement a bag limit for non-resident falconers.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.027 (g) The taking, transporting, or possessing a raptor for falconry by a nonresident is allowed under the following conditions: (1) a permit and a valid, current nonresident hunting license is required for submitting an application, taking, transporting, possessing, and transferring a raptor to another state's falconry program; (2) the nontransferable permit will be issued under standards, procedures and conditions set out in the Alaska Falconry Manual No. 9, dated July 1, 2012; that manual, including its conditions related to nonresident take, is hereby adopted by reference; (3) take is limited to nonresidents who are citizens of the United States; (4) only the raptor species listed under (f) of this section are eligible for nonresident take; (5) up to five permits for taking, transporting, or possessing a raptor for falconry by a nonresident shall be issued

annually by the department; (6) a targeted hunt system will be used to determine permit winners if the number of applicants exceeds the number of permits available; (7) take is limited to one passage, hatching-year raptor; (8) the annual nonresident season for acquiring a passage raptor is from August 15 - October 31; (9) the department shall specify other permit conditions as required to be consistent with the federal falconry laws and regulations, Alaska Falconry Manual, and export requirements; (10) the department may, in its discretion, establish additional permit conditions necessary to administer this program; (11) the department may, in its discretion, close areas for nonresident take; (12) if live birds or mammals are to be imported to assist with trapping raptors, all federal and state import requirements shall be met; including the requirements of [5 AAC 92.029](#); deleterious exotic wildlife and species not listed in [5 AAC 92.029](#) (b) may not be imported to Alaska for use in trapping raptors; resident pigeons and starlings, if used as lure birds, shall not be released into the wild; (13) permits are nontransferable.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Successful nonresident falconers (i.e. one who traps and exports a bird) would not be eligible to apply for another nonresident falconry permit for 5 years.

BACKGROUND: The Board of Game implemented a nonresident falconry program during the 2014 cycle. Part of the intent of the Board when they approved this program was to provide the unique opportunity to capture raptors in Alaska to as many nonresidents as possible.

The first nonresident falconry season opened in 2015. During the three years this program has been implemented, there has been an average of 21.67 applicants per year, with a total of 42 individuals applying for the tags. Seven individuals have applied all three years, and nine individuals have applied twice. We have issued nine permits to date (three per year) to eight individuals.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. Implementing a bag limit is an allocation issue for the Board.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 21 – 5 AAC 92.037. Permits for falconry. Require raptors taken under nonresident capture permits be implanted with microchips.

PROPOSED BY: Alaska Falconers Association

WHAT WOULD THE PROPOSAL DO? Require non-resident falconers microchip their birds prior to exporting a falconry bird from Alaska.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.037 (g) The taking, transporting, or possessing a raptor for falconry by a nonresident is allowed under the following conditions: (1) a permit and a valid, current nonresident hunting license is required for submitting an application, taking, transporting, possessing, and transferring a raptor to another state's falconry program; (2) the

nontransferable permit will be issued under standards, procedures and conditions set out in the Alaska Falconry Manual No. 9, dated July 1, 2012; that manual, including its conditions related to nonresident take, is hereby adopted by reference; (3) take is limited to nonresidents who are citizens of the United States; (4) only the raptor species listed under (f) of this section are eligible for nonresident take; (5) up to five permits for taking, transporting, or possessing a raptor for falconry by a nonresident shall be issued annually by the department; (6) a targeted hunt system will be used to determine permit winners if the number of applicants exceeds the number of permits available; (7) take is limited to one passage, hatching-year raptor; (8) the annual nonresident season for acquiring a passage raptor is from August 15 - October 31; (9) the department shall specify other permit conditions as required to be consistent with the federal falconry laws and regulations, Alaska Falconry Manual, and export requirements; (10) the department may, in its discretion, establish additional permit conditions necessary to administer this program; (11) the department may, in its discretion, close areas for nonresident take; (12) if live birds or mammals are to be imported to assist with trapping raptors, all federal and state import requirements shall be met; including the requirements of [5 AAC 92.029](#); deleterious exotic wildlife and species not listed in [5 AAC 92.029](#)(b) may not be imported to Alaska for use in trapping raptors; resident pigeons and starlings, if used as lure birds, shall not be released into the wild; (13) permits are nontransferable.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Nonresidents who successfully capture a raptor will be required to microchip the bird prior to export.

BACKGROUND: Current regulations require a falconer, both resident and nonresident, immediately attach a numbered marker band to the leg of any peregrine falcon, gyrfalcon, goshawk, or Harris's hawk once the bird has been captured. Regulation does not require any marker band be attached to the other 27 species of birds legal to capture for falconry.

Nonresident falconers are required to take their captured raptor to a veterinary clinic for a health certificate prior to export. Additionally, nonresident falconers are required to meet with a department representative who performs an inspection and completes a check-out form for the bird. This check-out includes verifying the nonresident falconer has all the necessary paperwork on hand (AK permit, home state falconry permit, hunting license), reporting the species and sex of the bird, details of where the bird was captured and methods used, and taking pictures of the bird.

Microchips are currently only required by regulation when a peregrine falcon, gyrfalcon, goshawk, or Harris's hawk cannot be banded (e.g. causes irritation to the leg and needs to be removed). For all other scenarios and birds, microchips are optional. Requiring a microchip would provide state agencies and law enforcement a tool for identifying any birds removed from Alaska under a nonresident falconry permit. Microchips are more permanent than marker bands and would be more effective in tracking individual birds across state lines to ensure wild-caught Alaska birds do not enter commercial breeding programs, where they become financially valuable as breeding stock.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. A microchip would aid in identifying individual birds.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 22 – 5 AAC 92.037. Permits for falconry. Expand the existing nonresident falconry program to allow the additional take of up to five eyas goshawks by nonresidents.

PROPOSED BY: Timothy Sell

WHAT WOULD THE PROPOSAL DO? Authorize a separate non-resident take program to allow the take of up to 5 eyas goshawks.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.037 (g) The taking, transporting, or possessing a raptor for falconry by a nonresident is allowed under the following conditions: (1) a permit and a valid, current nonresident hunting license is required for submitting an application, taking, transporting, possessing, and transferring a raptor to another state's falconry program; (2) the nontransferable permit will be issued under standards, procedures and conditions set out in the Alaska Falconry Manual No. 9, dated July 1, 2012; that manual, including its conditions related to nonresident take, is hereby adopted by reference; (3) take is limited to nonresidents who are citizens of the United States; (4) only the raptor species listed under (f) of this section are eligible for nonresident take; (5) up to five permits for taking, transporting, or possessing a raptor for falconry by a nonresident shall be issued annually by the department; (6) a targeted hunt system will be used to determine permit winners if the number of applicants exceeds the number of permits available; (7) take is limited to one passage, hatching-year raptor; (8) the annual nonresident season for acquiring a passage raptor is from August 15 - October 31; (9) the department shall specify other permit conditions as required to be consistent with the federal falconry laws and regulations, Alaska Falconry Manual, and export requirements; (10) the department may, in its discretion, establish additional permit conditions necessary to administer this program; (11) the department may, in its discretion, close areas for nonresident take; (12) if live birds or mammals are to be imported to assist with trapping raptors, all federal and state import requirements shall be met; including the requirements of [5 AAC 92.029](#); deleterious exotic wildlife and species not listed in [5 AAC 92.029](#)(b) may not be imported to Alaska for use in trapping raptors; resident pigeons and starlings, if used as lure birds, shall not be released into the wild; (13) permits are nontransferable.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Permitted nonresident falconers would be able to take an eyas goshawk from Alaska.

BACKGROUND: Currently, nonresident falconers are able to capture passage birds (birds in their first year of life that are capable of sustained flight) under the nonresident falconry program. These birds are required to be checked out by ADF&G, receive a health certificate from a licensed veterinarian, and receive an export permit from the department prior to export. Eyas birds (birds in their first year of life not yet capable of flight) are not legal for nonresidents to capture.

Alaska has many goshawks throughout the state; there is not a population level concern with authorizing a nonresident take program. Goshawks typically nest in the same general area year after year in alternate nests located hundreds of yards from the previous year's nest. Because of the number of goshawks in Alaska, the vast amount of suitable habitat in the state, and the effort needed to locate nests in forests by falconers, there is little concern over nonresidents causing local population impacts by potentially exploiting the same nests in subsequent years.

If approved as proposed, the nonresident eyas season would require separate season dates than the nonresident passage season. The additional season will result in an increased workload for our falconry representatives; likely especially so for the Region II and IV representative who conducts the check-out procedure for all birds being exported through the Anchorage airport. Additionally, animal welfare can become a concern if the falconry representative isn't readily available to conduct the check-out. Raptor chicks can be difficult to identify by species and thus, creating a season on one species could make illegal take of other raptor species somewhat easier.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. There is no biological concern with the additional take. Authorization of a nonresident eyas program is an allocation issue for the Board.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 23 – 5 AAC 92.037. Permits for falconry. Update the falconry manual.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? Update the nomenclature of birds in regulation and incorporate the updated Alaska Falconry Manual Number 10 into regulation.

WHAT ARE THE CURRENT REGULATIONS? (a) A permit 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, dated July 1, 2012; 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.

(f) In this section, "raptor" means any bird of the following species, including all subspecies of those species: (1) northern harrier (*Circus cyaneus*); (2) sharp-shinned hawk (*Accipiter striatus*); (3) northern goshawk; any nonindigenous subspecies of northern goshawk (*Accipiter gentilis*) must be behaviorally (imprinting) or surgically sterilized, except *Accipiter gentilis atricapillus* or *A.g. laingi*.; (4) red-tailed or Harlan's hawk (*Buteo jamaicensis*); (5) rough-legged hawk (*Buteo lagopus*); (6) golden eagle (*Aquila chrysaetos*); (7) white-tailed sea eagle (*Haliaeetus albicilla*); (8) Steller's sea eagle (*Haliaeetus pelagicus*); (9) American kestrel (*Falco sparverius*); (10) Eurasian kestrel (*Falco tinnunculus*); (11)

Asiatic sparrow hawk (*Accipiter gularis*); (12) merlin (*Falco columbarius*); (13) gyrfalcon (*Falco rusticolus*); (14) peregrine falcon (*Falco peregrinus*); (15) great-horned owl (*Bubo virginianus*); (16) snowy owl (*Bubo scandiacus*); (17) northern hawk-owl (*Surnia ulula*); (18) barred owl (*Strix varia*); (19) great-gray owl (*Strix nebulosa*); (20) western screech-owl (*Otus kennicottii*); (21) northern pygmy-owl (*Glaucidium gnoma*); (22) long-eared owl (*Asio otus*); (23) short-eared owl (*Asio flammeus*); (24) boreal owl (*Aegolius funereus*); (25) northern saw-whet owl (*Aegolius acadicus*); (26) a hybrid of the species in this subsection that is produced by a raptor breeder; and (27) the following nonindigenous species: (A) Harris's hawk (*Parabuteo unicinctus*); (B) Cooper's hawk (*Accipiter cooperii*); (C) Ferruginous hawk (*Buteo regalis*); (D) Swainson's hawk (*Buteo swainsoni*); (E) prairie falcon (*Falco mexicanus*); (F) Aplomado falcon (*Falco femoralis*).

(g)(2) the nontransferable permit will be issued under standards, procedures and conditions set out in the Alaska Falconry Manual No. 9, dated July 1, 2012; that manual, including its conditions related to nonresident take, is hereby adopted by reference;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The falconry manual would be updated to clarify standards, procedures, and conditions for falconers. The regulation would be updated to reflect the most recent falconry manual and current nomenclature.

BACKGROUND: In 2008, the U.S. Fish and Wildlife Service (FWS) substantially changed its regulations governing falconry and required the states to promulgate falconry regulations that are the same or stricter than the federal rules. The FWS eliminated the federal permit required for falconry, but retained oversight responsibility for falconry. As such, Alaska was required to be certified by the FWS as meeting the federal standards by January 1, 2014. Therefore, the Board adopted regulations and the *Alaska Falconry Manual No. 9* during the 2012 board cycle.

Since 2012, falconers and ADF&G staff have found spelling and typographic errors within the manual. The falconry regulation (5 AAC 92.037) was updated during the 2014 board cycle to include a nonresident take program, and the statute listing the minimum age requirement for resident hunting licenses (AS 16.05.340) was updated in January 2017. These changes have resulted in portions of the manual being out of date.

Several parts of *Alaska Falconry Manual No. 9* were stated in slightly different ways in multiple locations of the *Manual* (i.e., under both the “General Information” and “Falconry Standards” sections). As a result, falconers, ADF&G, AWT, and LAW found the *Manual* could be interpreted differently depending on where and who referenced the *Manual*. ADF&G and AFA worked together to condense the *Manual* by deleting the repetitions from the “General Information” section and clarifying any necessary statements in the “Falconry Standards” section.

Lastly, 5 AAC 92.037 (g)(2) will need amended if the Board approves this proposal. Adopting the falconry manual by reference in section (g)(2) was missed in the original proposal.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 24 –5 AAC 92.044(10). Permit for hunting bear with the use of bait or scent lures. Define the term “equipment” for bear baiting.

PROPOSED BY: Aaron Bloomquist

WHAT WOULD THE PROPOSAL DO? The proposal seeks to define “equipment” to clarify bear baiting regulations and what is and is not allowed to be left in the field when the bait season closes. The proposed definition is “barrels, tree stands, game cameras, and other items that may be left in the field for use at a bear bait station. Tree stands may be left in the field year-round with permission of the landowner or land manager.”

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.044(b)(10) a permittee must remove bait, litter, and equipment from the bait station site when hunting is completed;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the term “equipment” would be defined for the purposes of bear baiting, and tree stands would be allowed to be left in the field year-round with land owner or land manager permission.

BACKGROUND: All bait, litter, and equipment (including tree stands) associated with bear bait stations must currently be removed from the field the last day of the baiting season, if not sooner.

The Department of Natural Resources (DNR) has a regulation in place that requires all camps and associated equipment, including tree stands for bear baiting, may only remain in one place for 14 days at a time, and requires a fee be paid in advance. DNR has recently decided to inform bear baiters of this regulation. Because bear bait stations are permitted by DFG, bear hunters are currently not required to abide by the 14 day rule and not required to pay the associated fee. However, any bear hunters that choose to leave their tree stands up after baiting seasons will have to either remove the tree stands at the close of the baiting season, or move them every 14 days and pay the fee.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal because it does not address a biological concern.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 25 – 5 AAC 92.010. Harvest tickets and reports. Require harvest tickets for all brown bear hunts statewide.

PROPOSED BY: Dan Montgomery

WHAT WOULD THE PROPOSAL DO? The proposal seeks to require brown bear hunters have in possession a brown bear harvest ticket prior to hunting brown bears in hunts currently not managed by permit.

WHAT ARE THE CURRENT REGULATIONS? Only brown bear hunters in permit hunts are required to have a permit in their possession while hunting. Most brown bear hunts require only sealing if successful.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted all brown bear hunters not participating in permit hunts would be required to have a harvest ticket in their possession prior to hunting brown bears. In some places hunters would now be required to have a harvest ticket and metal locking tag in their possession prior to hunting brown bears. In the remaining areas, only the harvest ticket would be required. The harvest ticket would also allow the department to estimate hunter effort.

BACKGROUND: During the winter/spring board meetings of 2008 and 2009 the board adopted a proposal submitted by the department to require black bear hunters to have in their possession a harvest ticket. The board adopted the regulation, effective July 1, 2009, that all black bear hunters in Units 1-7, 11-17, 19D, and 20 must have a harvest ticket in their possession. The original thought was that harvest tickets would be required only in areas where sealing was required; however the board expanded that to include some areas where sealing is not required.

In many areas, brown bears are currently managed through analysis of harvest statistics. In areas where more information is required to manage, a permit of some sort is required.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not address a biological concern.

COST ANALYSIS: Adoption of this proposal is expected to result in minimal additional costs to the department from printing and distributing paper harvest tickets and from adapting the database and website to take into account the new harvest ticket.

PROPOSAL 26 – 5 AAC 92.050. Required permit hunt conditions and procedures.
Animal harvested under auction and raffle permits will not count against the regular bag limit.

PROPOSED BY: Frank S. Noska IV

WHAT WOULD THE PROPOSAL DO? Remove the bag limit requirement for any individual issued a permit under the Governor’s Big Game Auction/Raffle Program (AS 16.05.343)

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.050 (a)(3) the commissioner shall void all applications by one person for more than six hunts for the same species, or three hunts for bull moose as described in (2)(A) of this subsection, and all applications by one person for more than one moose hunt for a nonresident in Unit 23; ... (5) except as provided in (6) of this subsection, a permit is nontransferable; however, the department may reissue an invalidated Tier II subsistence hunting permit to the highest-ranked applicant remaining in the original pool of eligible applicants; (6) the commissioner may reissue or transfer a permit as follows: (A) a permit may be transferred for scientific purposes; (B) a person that is on active duty in a branch of the military under United States Department of Defense deployment orders to a combat zone designated by executive order issued by the President of the United States and that has been issued a (i) drawing permit, and is prevented from using the drawing permit due to being out of the state on active duty, may be reissued the same drawing permit when the person returns to this state from active duty under this subparagraph, under procedures set out in the applicable permit hunt supplement; (ii) Tier II permit may transfer that Tier II permit only during the same regulatory year to a substitute resident hunter while the person is out of the state on active duty under this subparagraph, under procedures set out in the applicable permit hunt supplement; (7) immediately after killing a big game animal for which a permit is required, the permittee, or his or her proxy under 5 AAC 92.011, shall cancel the permit by removing the permit day and month on which the kill was made, without obliterating or destroying any other day and month printed on the permit; (8) a person who has been issued a permit, or that person’s proxy under 5 AAC 92.011, shall return the permit harvest report to the department within the time period stated on the permit; in addition to other penalties provided by law for failure to report harvest, and except as provided in this paragraph and (c) of this section, if a permittee or a permittee’s proxy fails to provide the required report for a drawing permit, registration permit, targeted permit, Tier I subsistence permit, or Tier II subsistence permit, the permittee will be ineligible to be issued a drawing, registration, targeted, Tier I subsistence, or Tier II subsistence permit during the following regulatory year; notwithstanding the provisions of this paragraph, the department may determine that, for specific hunts, it is administratively impracticable, to apply the penalty for failure to report; (b): The department may issue annually one bull bison permit for Unit 20(D) through a raffle or lottery conducted by a “qualified organization” as defined in AS 16.05.343. In addition to (a)(3) and (a)(5) – (a)(8) of this section, the following applies to the permittee: (1) the permittee is not eligible for another bison drawing permit in the same regulatory year; (2) if the permittee is a nonresident, the fee for the nonresident bison locking tag is to be paid from the proceeds of the raffle or lottery; (3) a bison taken under a permit issued under this subsection does not count against the regular bag limit of one bison every 10 years; however, no person may take more than one bison, statewide, per regulatory year.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Individuals who win a permit through AS 16.05.343 would not be subject to the normal bag limit regulations, animals harvested under permits issued under AS 16.05.343 would not count toward the annual bag limit. This means that a hunter could take an additional animal under a harvest ticket or other permit even for species or hunts where the bag limit is 1 animal per year or 1 animal per multiple years.

BACKGROUND: The original statute (AS 16.05.343) for the governor’s big game program authorized the auction or raffle of a single Delta bison tag in 1989. In 1990, the BOG adopted 5 AAC 92.050(b) through 92.050(b)(2) to address this Governor’s bison tag; in 1991, the Board adopted (b)(3) to exempt the Delta bison tag from the existing bison bag limit. In 1996, the legislature amended the statute to authorize the donation of additional four Etolin elk tags, three Dall sheep tags, two bison tags, and four tags for musk ox, brown or grizzly bear, black bear, moose, caribou, goat, elk, and wolf.

In 2008, the resident bag limit for bison was changed from one bison every five years to one bison every ten years. 5 AAC 92.050(b)(3) was modified to adopt this bag limit change in 2014.

Other states who offer a big game auction/raffle program vary widely in the regulations surrounding the hunting permits. Winners in some states are subject to the regular bag limits (as is currently the case for most auction permits in Alaska). In other states, winners can be exempt from bag limits or they can be exempt from losing preference points for an auction permit. Benefits for winners of auction permits in other states can include some or all of the following: extended season, a year-round season, expanded hunt areas, and free licenses and tags/permits.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. This is an allocation issue for the Board.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 27 – 5 AAC 92.050(a). Required permit hunt conditions and procedures.
Modify the required permit hunt procedures for applying for drawing permits.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? The proposal would remove the restriction on the number of bull moose drawing hunts applicants can apply for.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.050(a)(2) except as provided in 5 AAC 92.061 and 5 AAC 92.069, a person may not

(A) apply for more than six drawing permit hunts for the same species per regulatory year, with no more than three for bull moose hunts;

...

5 AAC 92.050(a)(3) the commissioner shall void all applications by one person for more than six hunts for the same species, or three hunts for bull moose as described in (2)(a) of this subsection, and all applications by one person for more than one moose hunt for a nonresident in Unit 23;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted applicants would no longer be confused as to which hunts are bull hunts and which hunts they could apply for 6 times. Fewer applications would be considered invalid.

BACKGROUND: In 2012 the Board of Game (board) increased the number of moose hunts applicants could apply for to six, but limited the number of bull hunts to three to encourage applicants to apply for antlerless hunts. When the board made the increase, the provision that required all applications be invalidated for that species remained in place, and the result was many applicants unknowingly invalidated all of their chances at any moose hunts.

The restriction on the number of bull moose hunts a person can apply for has resulted in a large number of invalidated applications. The recent change to allow applicants to apply for each hunt more than once exacerbated this problem to the point that corrective actions had to be taken.

The department believes the restriction is no longer necessary and requests the board consider removing the restriction. The original issue the board attempted to address in 2012 was undersubscribed antlerless moose hunts, and the department has started to identify those and submit proposals to change them to registration hunts where appropriate.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal to alleviate unnecessary confusion and regulatory complexity not necessary to manage populations.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 28 – 2007-173-BOG. Nonresident drawing permit allocation policy. Modify the Board of Game nonresident drawing permit allocation policy.

PROPOSED BY: Resident Hunters of Alaska

WHAT WOULD THE PROPOSAL DO? The proposal does not ask for a regulatory change, but instead asks for a change to Board of Game Policy # 2007-173-BOG, which is the nonresident drawing permit allocation policy. The desired change is to specify historic harvest data on a subunit level be used to determine the permit allocation for nonresidents to ensure resident hunters always have a definitive hunting and harvest priority.

WHAT ARE THE CURRENT REGULATIONS? The existing policy gives guidelines for how the board should allocate nonresident drawing permits. The specific piece of the policy in question is “Allocations will be determined on a case by case basis and will be based upon the historical data of nonresident and resident permit allocation over the past ten years.”

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the sentence in question would be changed to “Allocations to nonresident hunters will be based upon a subunit by subunit basis so that resident hunters always have a definitive hunting and harvest priority.”

BACKGROUND: In 2006 the board adopted a policy that outlined how nonresident drawing permits should be allocated. In 2007, the board revised the policy and uses it each time a nonresident drawing permit hunt is adopted. The policy instructs the board to consider the historical data of nonresident and resident permit allocation over the previous ten years.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative nature of the proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 29 – 5 AAC 92.130. Restrictions to bag limit. Remove the bag limit restriction for resident relatives accompanying nonresident relatives within the second degree of kindred.

PROPOSED BY: Chris Harper

WHAT WOULD THE PROPOSAL DO? The proposal seeks to remove the “shared bag limit” restriction for nonresidents hunting with resident relatives for guide required species (brown/grizzly bear, goat, and sheep).

WHAT ARE THE CURRENT REGULATIONS? The regulations in question were repealed effective July 1, 2017. Due to the complex and controversial nature of the topic, this proposal was included to provide clarity to the public.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Not applicable.

BACKGROUND: The board repealed the regulations in question at the February 2017 Board of Game meeting in Fairbanks. The regulations as they existed then did not address the specific concerns of the proponent, and only lead to further confusion. The board repealed them to allow for additional proposals to be submitted and deliberated upon in the future.

DEPARTMENT COMMENTS: The department recommends the board **TAKE NO ACTION** on this proposal because the regulations in question are no longer relevant.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 30 – 5 AAC 92.050(a). Required permit hunt conditions and procedures; 5 AAC 92.130. Restrictions to bag limit. Allow nonresident hunters to harvest brown bear, sheep, or goat on behalf of their Alaska resident second degree of kindred relative’s permit.

PROPOSED BY: Alaska Professional Hunters Association

WHAT WOULD THE PROPOSAL DO? The proposal seeks to allow a nonresident relative within 2nd degree kindred to harvest a brown bear, sheep, or mountain goat on their resident relative’s drawing permit. Non-residents who wished to hunt with residents relatives would no longer be able to apply for a non-resident permit, and residents and non-residents would no longer be able to apply for party hunts. This would be done similar to the way a youth, under age 10, is allowed to harvest big game on behalf of another licensed hunter, however the nonresident relative’s harvest would not count against the resident’s bag limit and the resident would be allowed to harvest the same species under a registration permit or general season harvest ticket in the same regulatory year. Also, the resident would be allowed to apply for the same permit the next year and not be required to adhere to the waiting period.

WHAT ARE THE CURRENT REGULATIONS? The current regulations regarding required permit hunt conditions and procedures for making party applications for drawing hunts can be found in can be found in 5 AAC 92.050 and in the current drawing permit hunt supplement.

Currently there are no regulations that allow nonresidents within 2nd degree kindred (2DK) to harvest a brown bear, sheep, or mountain goat on their resident relative’s drawing permit. In some cases, nonresidents must apply for a specific nonresident only drawing hunt permits to hunt sheep or brown bear in some areas of the state. For Kodiak Island, the 2DK nonresident relatives have to apply in the resident hunt drawing and have a very limited amount of permits available. Other hunts, such as the Tok Management Area sheep drawing permits have an allocation for nonresidents that includes an additional limitation of hunt permits available to 2DK nonresident relatives. Some of the drawing permit moose hunts in Units 21, 23, and 24 have allocations for guided and non-guided nonresidents in separate drawing permit hunts. Currently nonresidents

and residents that wish to party hunt together must apply for hunts open to both residents and nonresidents, or participate in registration hunts or hunts managed by general season harvest ticket.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this would allow nonresident 2DK relatives to hunt for brown bear, sheep, or mountain goat by hunting on the resident relative’s drawing permit. It would likely require the board and/or the department to consider exceptions and or changes to current drawing hunt restrictions that limit nonresidents or do not allow their applications for specific drawing hunts. The process by which applicants apply for drawing permits would need to be modified as would the tools and database that collect the harvest report information.

BACKGROUND: Over the last few years there have been concerns from some members of the public regarding the number of nonresident 2DK relatives applying for limited nonresident and resident drawing permits. Some guides have been concerned over the reduced opportunity for their clients to draw hunting permits and some resident hunters have been concerned about the number of nonresidents applying for limited drawing permits for some hunts. The latter issue has been a concern where nonresidents and residents are in the same drawing pool for permits.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this issue of allocation between resident and nonresident hunters. If the board directs the department to track the harvest of animals by nonresidents hunting on permits issued to residents, a delay in implementation will be requested.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 31 – 5 AAC 92.050. Required permit hunt conditions and procedures.

Establish a preference point system for drawing hunts.

PROPOSED BY: John Frost

WHAT WOULD THE PROPOSAL DO? The proposal asks for increased levels of fairness in the awarding of drawing permits including limiting the number of drawing permits a person could win and creating a preference for Alaska residents.

WHAT ARE THE CURRENT REGULATIONS? Drawing permits are by definition awarded by random lottery. Applicants cannot be awarded the same permit two years in a row, residents may only be awarded one bison permit every ten years, nonresidents may only be awarded one bison permit per lifetime, and all persons may only be awarded one drawing permit per species per year.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted no one could win a second hunt until everyone was awarded their first. Implementing this portion of the proposal would look like choice order across all species. The proposal would also provide some kind of priority to previous years' non-winners and give them an increased opportunity above those that won last year. It would need to be determined if this priority would be awarded to those who won their first choice species, or to those who won any of the hunts they applied for. The proposal would also create a weighted preference for residents, but it is not clear how.

BACKGROUND: Proposals for bonus points and preference points keep coming before the board. The board adopted preference points but did not implement them because the legislature did not increase the fees for drawing permits, which was needed to cover the cost of the change.

Preference point and bonus point systems are used by many states to allocate the distribution of permits. Preference points differ from bonus points in that a person with more preference points will be drawn before other applicants with fewer preference points. Bonus points also provide an increased chance of drawing a permit for some hunts, but do not guarantee selection before other applicants with fewer bonus points. These systems do not provide any benefit to those desiring to be awarded permits for highly desired hunts such as bison and Tok sheep.

A number of state fish and game agencies in the U. S. have preference or bonus point systems for allocating hunting opportunities that vary from moose in Maine to bighorn sheep in many western states. The degree to which the hunting public likes or dislikes these systems varies. Most are expensive and administratively complicated to maintain. All have fees to maintain the respective program apart from other license and tag fees that support wildlife management programs. In addition, changes to preference or bonus systems are problematic if the changes affect the value of previously collected points. For that reason it is also very difficult to ever return to a simple draw.

How much a hunter's probability of being drawn in a subsequent year will increase would depend on: (1) the number of applicants, (2) the number of preference points he or she has, and (3) the established rules.

State fish and game agencies that have bonus or preference point systems charge additional fees to maintain these systems.

To date, Alaska has addressed this issue by limiting individuals to one permit per 4 years, 10 years, or a lifetime.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it is allocative. If the board chooses to adopt this proposal the department asks for a delayed implementation to prepare an assessment of proposed changes. The department would like the

opportunity to bring forward any obstacles identified during the delay, and present them to the board and ask for guidance on how to proceed prior to the board adopting a regulation.

If pursued, the department would prefer starting small, with a few hunts, so that inevitable “bugs” in a new system can be more easily and efficiently identified and addressed.

COST ANALYSIS: Adoption of this proposal will result in significant costs to the department to develop the point system.

PROPOSAL 32 – 5 AAC 92.050. Required permit hunt conditions and procedures.

Establish a bonus point system for bison and muskox drawing hunts.

PROPOSED BY: Brad Sparks

WHAT WOULD THE PROPOSAL DO? The proposal would create bonus points for bison and muskox drawing permits.

WHAT ARE THE CURRENT REGULATIONS? Drawing permits are by definition awarded by random lottery. Applicants cannot be awarded the same permit two years in a row, residents may only be awarded one bison permit every ten years, nonresidents may only be awarded one bison permit per lifetime, and all persons may only be awarded one drawing permit per species per year.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted all eligible applicants will still have a chance to win a bison and/or muskox permit, but the chances will be weighted toward those that have been applying longer and not received a permit. The proposal states the number of bonus points a person receives each year will be equal to the number of unsuccessful times the person has applied for the hunt. Bonus points will be lost after a person wins a permit, or after two consecutive years of not applying for the species.

This proposal will have very little effect on the chances of winning a Delta bison permit. The high number of applicants applying for this permit every year and the small number of permits awarded result in very low odds of winning a permit within one’s lifetime with or without bonus points.

BACKGROUND: Proposals for bonus points and preference points keep coming before the board. The board adopted preference points but did not implement them because the legislature did not increase the fees for drawing permits, which was needed to cover the cost of the change.

Bonus point systems are used by many states to allocate the distribution of permits. Bonus points also provide an increased chance of drawing a permit, but do not guarantee selection before other applicants with fewer bonus points.

A number of state fish and game agencies in the U. S. have bonus point systems for allocating hunting opportunities that vary from moose in Maine to bighorn sheep in many western states. The degree to which the hunting public likes or dislikes these systems varies. Most are expensive and administratively complicated to maintain. All have fees to maintain the respective program apart from other license and tag fees that support wildlife management programs. In addition, changes bonus systems are problematic if the changes affect the value of previously collected points.

How much a hunter’s probability of being drawn in a subsequent year will increase would depend on: (1) the number of applicants, (2) the number of preference points he or she has, and (3) the established rules.

State fish and game agencies that have bonus or preference point systems charge additional fees to maintain these systems.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because these systems and the way they could be implemented represent a myriad of allocation decisions. However, the board does not have the authority to change the drawing permit application fees, which are established in statute by the legislature, and cannot establish the proposed \$5 entry fee.

If pursued, the department would prefer starting small, with a few hunts, so that inevitable “bugs” in a new system can be more easily and efficiently identified and addressed.

COST ANALYSIS: Adoption of this proposal will result in significant costs to the department to develop the point system.

PROPOSAL 33 – 5 AAC 92.069. Special provisions for moose drawing permit hunts.

Establish a ten percent nonresident moose drawing permit allocation.

PROPOSED BY: Resident Hunters of Alaska

WHAT WOULD THE PROPOSAL DO? Allocate no more than 10% of the available moose draw permits to nonresident hunters.

WHAT ARE THE CURRENT REGULATIONS? There current moose drawing permit hunt regulations can be found in 5 AAC 92.069 and in the Drawing Permit Hunt Supplement.

There are some hunts that have allocations for both Resident and Nonresident drawing permits. These are established by permit levels and not necessarily as a percentage. Other hunts describe up to percentage language regarding allocation of guided nonresident permits vs. non-guided nonresident permits. Currently, there are no identified allocations between residents and nonresidents based on a “no more than XX% of the available moose draw permits”.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, the department would limit the available moose drawing hunt permits to no more than 10%. Because most of the moose drawing hunt permits are restricted to *Resident Only* antlerless permits and nonresident permits are already limited, this proposal if adopted is not expected to have a substantial impact on the number of nonresident hunters except in Unit 21.

BACKGROUND: During recent board cycles, there have been discussions and proposals by some residents to limit the number of nonresident hunters that can be awarded drawing hunt permits and, in the case of sheep, overall nonresident hunter numbers. Many western states restrict drawing permits for some species such as deer and elk to 10%, but there is a substantial variation between jurisdictions and regulations depending on the location, species, demand and public interest.

Currently, there are no overall restrictions on the number or percentage of nonresidents that can be awarded moose drawing hunt permits. There are no restrictions on the number of nonresidents that can participate in general harvest season moose hunts in Alaska. The majority of moose drawing hunts in Alaska are restricted to *Resident Only* (72 drawing permit hunts), some are specific drawing hunts for *Nonresidents Only* (28 drawing permit hunts) and others are available for either *Residents* or *Nonresidents* (34 drawing permit hunts). Many of the drawing hunts in the last category have additional nonresident bag limit restrictions. For example, some hunts restrict legal bulls for nonresidents to 50 inches or greater, while spike-fork bulls are legal for residents on the same permit. There are restrictions on the percentage of guided nonresidents that can draw a moose drawing hunt permit in some of the nonresident-only drawing hunts in Units 21, 23, and 24.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocation of moose drawing hunt permits between resident and nonresident hunters.

If adopted, the record should show that the board has determined if the new regulations continue to provide a reasonable opportunity for success in customary and traditional uses of moose in units with positive customary and traditional use findings.

COST ANALYSIS: Adoption of this proposal would not result in additional costs to the department.

PROPOSAL 34 – 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; 5 AAC 92.069. Special provisions for moose drawing permit hunts; 5 AAC 92.050. Required permit hunt conditions and procedures. Issue all nonresident permits from the nonresident allocation when there is a separate allocation for residents and nonresidents.

PROPOSED BY: Resident Hunters of Alaska

WHAT WOULD THE PROPOSAL DO? Place all nonresidents in the nonresident pool of drawing tags for hunts with a separate allocation to nonresidents and residents.

WHAT ARE THE CURRENT REGULATIONS? The board has the authority to issue permits to nonresidents who are hunting with resident relatives within second degree of kindred from the number of permits allocated to residents. This is currently only implemented for brown bear hunts in Unit 8.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the board would no longer be able to allocate permits from the resident permit allocation to nonresidents. Resident drawing hunts such as those for brown bear on Kodiak would no longer include nonresident 2DK relatives in the drawing pool. Nonresident relatives would be included in the nonresident and nonresident alien guided applicant pool for the drawing. This would dilute the pool of nonresident applicants and likely make it more difficult for Kodiak bear guides to plan for a specific number of bear hunters.

BACKGROUND: There have been recent proposals to limit the number of nonresident relatives hunting with 2DK relatives for guide required species. This has been an issue for some members of the public in regards to drawing permit hunts for sheep and brown bear where permits are very limited and demand (i.e., number of applicants) is high. Currently, there are restrictions on the number of permits that can be awarded to 2DK nonresident relatives for the Tok Management Area sheep drawing hunts, and Kodiak brown bear drawing hunts.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocation of big game hunting opportunity between resident and nonresident hunters.

If adopted, the record should show that the board has determined if the new regulations continue to provide a reasonable opportunity for success in customary and traditional uses of Dall sheep in units with positive customary and traditional use findings.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 35 – 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; 5 AAC 92.069. Special provisions for moose drawing permit hunts; 5 AAC 92.050. Required permit hunt conditions and procedures. Allow nonresidents and residents to apply as a party for hunts having separate permits for residents and nonresidents.

PROPOSED BY: Chris Harper

WHAT WOULD THE PROPOSAL DO? Allow hunters to apply for any drawing permit hunt with separate hunt numbers for residents/nonresidents as a party regardless of residency status.

WHAT ARE THE CURRENT REGULATIONS? The current regulations regarding procedures for making party applications for drawing hunts can be found in can be found in 5 AAC 92.050 and in the current drawing permit hunt supplement.

A hunter may apply individually OR two (2) hunters desiring to hunt together may apply as a party. For a party application, both hunters apply on the same application and, if drawn, both hunters will receive permits. However, if either hunter is ineligible for any reason, the entire application is invalid, and neither hunter will be entered into the drawing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow residents and nonresidents applying on a party application to be eligible to apply for either the resident or nonresident hunt regardless of the residency of the applicants in the party. This could possibly have an effect on the number of applicants for some drawing hunts although it would more likely increase the number of applicants in the resident applicant pools for some drawing hunts (e.g., sheep drawing hunts). If the proposal was adopted as described it is likely that the number of party applications for some drawing permit hunts would increase.

BACKGROUND: Party applications for drawing hunt permits are allowed but only for two people. Both applicants on the party application must be eligible to apply for the hunt choices listed on the party application. If one or more of the hunt choices is invalid for one or both applicants, the application will be invalid and removed from the drawing pool. For this reason, it would require changes in regulations to allow for applicants to apply for hunts that they would otherwise be ineligible. The exception presented in this proposal would allow for nonresidents on a party application to apply in resident only drawings which they would otherwise be ineligible for and residents on a party application would be allowed to apply for drawing hunts otherwise restricted to nonresidents.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocation of big game hunting opportunity between resident and nonresident hunters. However, the mixing of resident and nonresident hunters for resident and nonresident restricted drawing hunts would negate the intent of the board regarding the management and distribution of hunters in time and space for many of the existing drawing permit hunts.

COST ANALYSIS: Adoption of this proposal would not result in additional cost for the department.

PROPOSAL 36 – 5 AAC 92.057, Special provisions for Dall sheep and mountain goat drawing permit hunts. Change the nonresident general sheep hunts to drawing permit hunts with a ten percent allocation cap.

PROPOSED BY: Resident Hunters of Alaska

WHAT WOULD THE PROPOSAL DO? This proposal would limit all nonresident sheep hunters to draw-only hunts and set allocation cap at 10% of the total participation rates of residents in any individual subunit, based on the last 3 years of historical data.

WHAT ARE THE CURRENT REGULATIONS? There current sheep hunting regulations can be found in 5 AAC 85.055 and in the Alaska Hunting Regulations.

The board has previously established allocations for the following hunts:

- Delta Controlled Use Area (portions of Units 20D, 20A, and 13B)
 1. Residents and nonresidents: AUG 10 - 25 or AUG 26 – SEPT 20; one full-curl ram.
 2. Nonresidents are limited to 10% of the permits.
- Tok Management Area (portions of Units 12, 13C and 20B)
 1. Residents and nonresidents: AUG 10 – 25 or AUG 26 – Sept 20; one full-curl ram.
 2. Nonresidents are limited to 10% of permits.
 3. Maximum of 50% of nonresident permits may be allocated to nonresidents accompanied by a resident relative.
- Unit 13D (Taz - east)
 1. Residents and nonresidents: AUG 10 – SEPT 20; one full-curl ram.
 2. Allocation: 80% resident and 20% nonresident
- Unit 13C (Taz - west)
 1. Residents and nonresidents: AUG 10 – SEPT 20: one ram.
 2. Allocation: 80% resident and 20% nonresident
- Unit 14A
 1. Residents and nonresidents: AUG 10 – 25 or AUG 26 – SEPT 20
 2. Allocation: 90% resident and 10% nonresident
- Unit 14C
 1. Residents and nonresidents: AUG 10 – SEPT 30: one full-curl ram or SEPT 5 – OCT 10: one ram, archery only.
 2. Allocation: 13% to nonresidents AUG 10 – SEPT 30, 5% to nonresidents SEPT 5 – OCT 10.

Currently there are no allocations for general season harvest sheep hunts.

The board has made positive C&T findings for sheep as follows: Unit 11, ANS of 60-75; Unit 19, ANS of 1-5; Units 23 and 26A, that portion west of the Etivluk River (DeLong Mountains), ANS of 0-9; Unit 23, Baird Mountains, ANS of 18-47; Units 23 and 26A, that portion east of the

Etivluk River (Schwatika Mountains), ANS of 2-4; and Units 23, 24, 25A, and 26 (Brooks Range), ANS of 75-125.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, the department would create additional sheep drawing hunts in order to limit the nonresident sheep hunter to 10% of the three-year average annual harvest for individual sub-units. The board would need to create these new hunts in order to regulate nonresident hunting opportunity in all existing general season harvest hunts. The department would rely on historical average harvests to estimate the anticipated total harvest.

BACKGROUND: Board policy (2007-173-BOG) indicates that allocation for specific hunts will be decided individually, based upon historical patterns of nonresident and resident use over the past 10 years. The board has allocated hunting opportunity previously between resident and nonresident hunters by modifying season dates or by allocating permits. Similar requests for board changes in allocation of sheep hunting opportunity or harvest have been addressed previously by the board at meetings covering Regions II, III, IV, V and statewide.

If adopted, the allocation of sheep hunting opportunity to achieve a 10% allocation for nonresidents would require reductions in some existing draw hunts (e.g., Unit 13D) and general harvest season nonresident hunters would likely be reduced significantly given the current proportion of nonresident sheep hunters. As indicated above, the board would have to establish nonresident drawing permit hunts to achieve 10% participation.

Nonresident sheep hunters accounted for 20% of the sheep hunters statewide between RY2014 and RY2016 with an average of 442 nonresidents participating annually. To achieve the 10% allocation during the same period, the number of nonresidents would need to have been reduced to 197 nonresidents. Limiting nonresidents to 10% or similar percentage of the available opportunity may increase the number of legal rams available to residents and may increase resident success rates in some cases.

Some sheep hunts have season dates and bag limits that provide a reasonable opportunity for success in harvesting a sheep for subsistence uses. All of these hunts are harvest ticket or registration permit. The department previously prepared a report (for the 2016 Board of Game Statewide Meeting) of sheep hunts on populations with positive customary and traditional use findings. The report is posted on the Board of Game website.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocation of sheep hunting opportunity between resident and nonresident hunters.

If adopted, the record should show that the board has determined if the new regulations continue to provide a reasonable opportunity for success in customary and traditional uses of Dall sheep in units with positive customary and traditional use findings.

COST ANALYSIS: Adoption of this proposal would not result in additional costs to the department although there would be some additional time required by staff to create and implement multiple new drawing sheep hunts.

PROPOSAL 37 – 5 AAC 92.008. Harvest guideline levels. Limit nonresident sheep harvest to no more than ten percent of total harvest per subunit.

PROPOSED BY: Resident Hunters of Alaska

WHAT WOULD THE PROPOSAL DO? This proposal would limit the annual harvest of sheep by nonresident hunters so that in any given three-year period the average annual harvest does not exceed 10% of the total sheep harvest for any individual subunit.

WHAT ARE THE CURRENT REGULATIONS? There current sheep hunting regulations can be found in 5 AAC 85.055 and in the Alaska Hunting Regulations.

The board has previously established allocations for the following hunts:

- Delta Controlled Use Area (portions of Units 20D, 20A, and 13B)
 1. Residents and nonresidents: AUG 10 - 25 or AUG 26 – SEPT 20; one full-curl ram.
 2. Nonresidents are limited to 10% of the permits.
- Tok Management Area (portions of Units 12, 13C and 20B)
 1. Residents and nonresidents: AUG 10 – 25 or AUG 26 – Sept 20; one full-curl ram.
 2. Nonresidents are limited to 10% of permits.
 3. Maximum of 50% of nonresident permits may be allocated to nonresidents accompanied by a resident relative.
- Unit 13D (Taz - east)
 1. Residents and nonresidents: AUG 10 – SEPT 20; one full-curl ram.
 2. Allocation: 80% resident and 20% nonresident
- Unit 13C (Taz - west)
 1. Residents and nonresidents: AUG 10 – SEPT 20: one ram.
 2. Allocation: 80% resident and 20% nonresident
- Unit 14A
 1. Residents and nonresidents: AUG 10 – 25 or AUG 26 – SEPT 20
 2. Allocation: 90% resident and 10% nonresident
- Unit 14C
 1. Residents and nonresidents: AUG 10 – SEPT 30: one full-curl ram or SEPT 5 – OCT 10: one ram, archery only.
 2. Allocation: 13% to nonresidents AUG 10 – SEPT 30, 5% to nonresidents SEPT 5 – OCT 10.

Currently there are no allocations for general season harvest sheep hunts.

The board has made positive C&T findings for sheep as follows: Unit 11, ANS of 60-75; Unit 19, ANS of 1-5; Units 23 and 26A, that portion west of the Etivluk River (DeLong Mountains), ANS of 0-9; Unit 23, Baird Mountains, ANS of 18-47; Units 23 and 26A, that portion east of the Etivluk River (Schwatka Mountains), ANS of 2-4; and Units 23, 24, 25A, and 26 (Brooks Range), ANS of 75-125.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, the department would attempt to limit the nonresident sheep hunter harvest to 10% of the three-year average annual harvest for individual sub-units. The board would need to create nonresident drawing permit sheep hunts and/or limited registration hunts to regulate nonresident hunting opportunity for all existing general season harvest hunts. The department would rely on historical average harvests to estimate the anticipated total harvest. This would change over time because statewide nonresident harvest has generally been around 35-40% while statewide nonresident participation has been about 15-20%.

BACKGROUND: Board policy (2007-173-BOG) indicates that allocation for specific hunts will be decided individually, based upon historical patterns of nonresident and resident use over the past 10 years. The board has allocated hunting opportunity previously between resident and nonresident hunters by modifying season dates or by allocating permits. Similar requests for board changes in allocation of sheep hunting opportunity or harvest have been addressed previously by the board at meetings covering Regions II, III, IV, V and statewide.

If adopted, the allocation of sheep hunting opportunity to achieve a 10% harvest allocation for nonresidents would require reductions in nonresident hunter numbers for some existing draw hunts (e.g., Unit 13D). Also, general harvest season nonresident hunters would likely be reduced significantly given the current proportion of the harvest reported for nonresident sheep hunters. As indicated above, the board would have to establish nonresident drawing permit or registration hunts to achieve the 10% nonresident harvest objective.

Nonresident sheep hunters accounted for 20% of the sheep hunters statewide between RY2014 and RY2016 with an average of 442 nonresidents participating annually. If you assumed nonresidents harvest at the same rate regardless of the number of hunters, there would have to be a reduction of 250 or more hunters annually to achieve 10% of the harvest during the same time period. Given the likely scenario where individual success rate for nonresidents would increase with a reduction in hunters, there would have to be additional reductions in nonresident hunters to achieve the 10% harvest allocation.

Some sheep hunts have season dates and bag limits that provide a reasonable opportunity for success in harvesting a sheep for subsistence uses. All of these hunts are harvest ticket or registration permit. The department previously prepared a report (for the 2016 Board of Game

Statewide Meeting) of sheep hunts on populations with positive customary and traditional use findings. The report is posted on the Board of Game website.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocation of sheep hunting opportunity between resident and nonresident hunters.

If adopted, the record should show that the board has determined if the new regulations continue to provide a reasonable opportunity for success in customary and traditional uses of Dall sheep in units with positive customary and traditional use findings.

COST ANALYSIS: Adoption of this proposal would not result in additional costs to the department although there would be some additional time required by staff to create and implement multiple new drawing and registration sheep hunts in order to achieve the 10% nonresident sheep harvest proportion as described in the proposal.

PROPOSAL 38 – 5 AAC 92.130. Restrictions to bag limit. Implement a sliding scale bag limit for Dall sheep hunting for residents.

PROPOSED BY: Lewis Bradley

WHAT WOULD THE PROPOSAL DO? Implement a resident sliding scale harvest bag limit based on age of the ram harvested such as: A Resident Ram Harvest Age Index.

For example, if a harvested ram is 10 years, the hunter may hunt sheep the following year. If the ram is 9 years old, the hunter cannot hunt sheep the following year. If the ram is 8 years old, the hunter cannot hunt sheep for the next two seasons. For 7 years old, three seasons; for 6 years old, five seasons, etc. The full-curl regulation would still apply, so there would still be the legal mandate to adhere to the current bag limit under the definition described below.

WHAT ARE THE CURRENT REGULATIONS? There are currently no restrictions to the full-curl bag limit beyond what is found in 5 AAC 92.130 and the current hunting regulations.

The definition of “full-curl horn” of a male (ram) Dall sheep means;

- 1) the tip of at least one horn has grown through 360 degrees of a circle viewed from the side, or
- 2) both horn tips are broken, or
- 3) the sheep is at least eight years of age as determined by horn growth annuli

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would somewhat reduce the number of hunters in the field due to the more restrictive bag limit; however, the number of trophy rams available for harvest is not expected to increase significantly.

BACKGROUND: This is similar to a proposal considered by the board at the statewide meeting in 2016. The full-curl bag limit, which includes 8 years-of-age minimum as an option, has allowed unlimited annual participation during general season sheep hunts with no identified negative effect on lamb production or recruitment. Attempts to increase the number of 38 inch (larger) rams available for harvest by limiting hunting opportunity have had mixed results. It is possible that this is because these management strategies attempt to increase the number of older rams in the population; rams that are approaching the end of their natural life span. Because older rams are more susceptible to dying during periods of nutritional stress (e.g., poor habitat or extreme weather events), they have a lower probability of surviving until future hunting seasons when compared to prime-aged animals.

For example in Unit 13D, where hunting opportunity was decreased from an average of 182 hunters per year (RY2000 - 2007) to an average of 77 hunters per year (RY2008 - 2013; 60% decrease) through a drawing permit hunt structure, the number of 38 inch rams harvested decreased from an average of 52 per year to 19 per year (64% decrease). During the same time period, the success rates of nonresident hunters increased from an average of 61% per year to 73% per year, and resident hunter success remained relatively unchanged (an average of 17% per year compared to 15% per year). The Unit 13D hunts help illustrate the trade-offs between managing for hunting opportunity versus hunt quality.

Some sheep hunts have seasons and bag limits that provide a reasonable opportunity for success in harvesting a sheep for subsistence uses. The department prepared and presented a report in 2016 on the status, by unit of sheep hunts on populations with positive customary and traditional use findings. The report can be found on the Board of Game website.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not create or address a biological concern for sheep populations.

If adopted, the record should show that the board has determined if the new regulations continue to provide a reasonable opportunity for success in customary and traditional uses of Dall sheep in units with positive customary and traditional use findings.

COST ANALYSIS: Adoption of this proposal would not result in additional costs to the department.

PROPOSAL 39 – 5 AAC 92.130. Restrictions to bag limit. Implement a sliding scale bag limit for Dall sheep hunting for residents and nonresidents.

PROPOSED BY: Aaron Bloomquist

WHAT WOULD THE PROPOSAL DO? Implement a “sliding scale” bag limit for Dall sheep statewide except areas where bag limit is “any ram”.

For example, if a harvested ram is 10 years, the hunter may hunt sheep the following year. If the ram is 9 years old, a resident hunter (RES) cannot hunt sheep the following year, nonresident (NR) cannot hunt sheep for four years. If the ram is 8 years old, the hunter cannot hunt sheep for the next two seasons (RES) and six seasons (NR). For 7 years old, three seasons (RES) and eight seasons (NR); for 6 years old, four seasons (RES) and ten seasons (NR); and any sub-legal ram, 5 seasons (RES) and lifetime (NR). Sublegal is determined by ADF&G staff and does not require criminal charges.

WHAT ARE THE CURRENT REGULATIONS? There are currently no restrictions to the full-curl bag limit beyond what is found in 5 AAC 92.130 and the current hunting regulations.

Definition of “full-curl horn” of a male (ram) Dall sheep means;

- 1) the tip of at least one horn has grown through 360 degrees of a circle viewed from the side, or
- 2) both horn tips are broken, or
- 3) the sheep is at least eight years of age as determined by horn growth annuli

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would somewhat reduce the number of hunters in the field due to the more restrictive bag limit; however, the number of trophy rams available for harvest is not expected to increase significantly.

BACKGROUND: This is similar to a proposal considered by the board at the statewide meeting in 2016. The full-curl bag limit, which includes 8 years-of-age minimum as an option, has allowed unlimited annual participation during general season sheep hunts with no identified negative effect on lamb production or recruitment. Attempts to increase the number of 38 inch rams available for harvest by limiting hunting opportunity have had mixed results. It is possible that this is because these management strategies attempt to increase the number of older rams in the population; rams that are approaching the end of their natural life span. Because older rams are more susceptible to dying during periods of nutritional stress (e.g., poor habitat or extreme weather events), they have a lower probability of surviving until future hunting seasons when compared to prime-aged animals.

For example in Unit 13D, where hunting opportunity was decreased from an average of 182 hunters per year (RY2000 - 2007) to an average of 77 hunters per year (RY2008 - 2013; 60% decrease) through a drawing permit hunt structure, the number of 38 inch rams harvested decreased from an average of 52 per year to 19 per year (64% decrease). During the same time period, the success rates of nonresident hunters increased from an average of 61% per year to 73% per year, and resident hunter success remained relatively unchanged (an average of 17% per year compared to 15% per year). The Unit 13D hunts help illustrate the trade-offs between managing for hunting opportunity versus hunt quality.

Some sheep hunts have seasons and bag limits that provide a reasonable opportunity for success in harvesting a sheep for subsistence uses. The department prepared and presented a report in 2016 on the status, by unit of sheep hunts on populations with positive customary and traditional use findings. The report can be found on the Board of Game website.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not create or address a biological concern for sheep populations.

If adopted, the record should show that the board has determined if the new regulations continue to provide a reasonable opportunity for success in customary and traditional uses of Dall sheep in units with positive customary and traditional use findings.

COST ANALYSIS: Adoption of this proposal would not result in additional costs to the department.

PROPOSAL 40 – 5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts. Allow nonresidents that have successfully harvested a Dall sheep in the last three years to apply for Dall sheep permits annually.

PROPOSED BY: Chris Harper

WHAT WOULD THE PROPOSAL DO? Allow any hunter currently under the “1 sheep every 4 regulatory years” bag limit restriction to apply for and be included in the drawing for Dall sheep drawing permits.

WHAT ARE THE CURRENT REGULATIONS? There current sheep hunting regulations can be found in 5 AAC 85.055 and in the Alaska Hunting Regulations.

- 1) Units 12, 13, and 20, those portions known as the Tok Management Area – Residents and nonresidents -1 every 4 regulatory years.
- 2) Units 12, 13, and 20 remainder; 7, 9, 14, 15, 16, 19, 20, 23, 24, and 26 – Residents – 1 or 3 sheep per regulatory year; Nonresidents – 1 every 4 regulatory years.

The board has made positive C&T findings for sheep as follows: Unit 11, ANS of 60-75; Unit 19, ANS of 1-5; Units 23 and 26A, that portion west of the Etivluk River (DeLong Mountains), ANS of 0-9; Unit 23, Baird Mountains, ANS of 18-47; Units 23 and 26A, that portion east of the Etivluk River (Schwatka Mountains), ANS of 2-4; and Units 23, 24, 25A, and 26 (Brooks Range), ANS of 75-125.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? All nonresidents and residents applying for the TMA sheep drawing permit would be allowed to apply for and harvest a sheep regardless if they had taken a sheep there within the last 4 years.

This would effectively eliminate the current 1 in 4 bag limit restriction that applies to resident and nonresident sheep hunters in the TMA. Nonresident hunters who had previously harvested a sheep anywhere in Alaska in the last four years, would be allowed to apply for and hunt on a sheep drawing permit effectively negating the 1 in 4 general bag limit restriction that currently applies to all nonresident sheep hunters. This would apply to all Dall sheep drawing hunts for nonresidents and would increase the number of nonresident sheep drawing hunt applications.

BACKGROUND: For several years now there has been increased interest by resident hunters to restrict nonresident opportunity to hunt and / or harvest Dall sheep. Among other discussions regarding options and proposals that have been before the board over the last several cycles, there were ideas and proposals presented to reduce the bag limit or season length for nonresident sheep hunters. The 1 in 4 bag limit, which was originally established to focus on trophy brown bear harvest, was suggested in a proposal brought by the public and discussed by the board in 2016. At the statewide meeting where this proposal was discussed, the department presented information from the nonresident sheep hunter database to identify the number of “repeat” sheep hunters. It was reported that of 3,295 successful sheep hunters from 2005-2014, 136 (4.5%) returned to hunt within a 4-year period. This included nonresident sheep hunters for both the general season harvest and drawing permit hunts. Consequently, the nonresident bag limit of 1 sheep every 4 years was adopted by the board to apply to all nonresident sheep hunters for general season sheep harvest ticket and sheep drawing permit hunts.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocation of sheep hunting opportunity between resident and nonresident hunters. The 1 in 4 bag limit restriction for the TMA has been in place for a long time and is supported by many sheep hunters as a limitation that allows drawing permit applicants to presumably have a higher chance of drawing this very desirable sheep hunting permit. This proposal, although it seeks to allow for greater sheep permit drawing opportunity for nonresidents across all sheep drawing hunts, would effectively negate the current bag for the TMA.

If adopted, the record should show that the board has determined if the new regulations continue to provide a reasonable opportunity for success in customary and traditional uses of Dall sheep in units with positive customary and traditional use findings.

COST ANALYSIS: Adoption of this proposal would not result in additional cost for the department.

PROPOSAL 41 – 5 AAC 92.018 Waterfowl Conservation Tag. Exempt rural subsistence hunters from the requirements for obtaining a waterfowl conservation tag.

PROPOSED BY: Alaska Native Caucus of the Alaska Migratory Bird Co-Management Council

WHAT WOULD THE PROPOSAL DO? The proposal seeks to exempt permanent residents of included areas (areas defined by 50 CFR 92.5(a)) from purchasing an Alaska waterfowl conservation tag (State duck stamp) to participate in migratory bird harvest during the spring-summer subsistence season occurring 2 April – 31 August.

WHAT ARE THE CURRENT REGULATIONS?

AS 16.05.130(b) Money accruing to the state from waterfowl conservation tag fees from hunters may not be diverted to a purpose other than

- (1) the conservation and enhancement of waterfowl;
- (2) the acquisition, by lease or otherwise, of wetlands that are important for waterfowl and public use of waterfowl in the state;
- (3) waterfowl related projects approved by the Commissioner;
- (4) the administration of the waterfowl conservation program;

AS 16.05.340(a)(17) Waterfowl conservation tag\$10

(A) A person may not engage in waterfowl hunting without having the current year's waterfowl tag in the person's actual possession, unless that person

- i. qualifies for a \$5 license fee under (6) of this subsection;
- ii. is a resident under 18 years of age;
- iii. is 60 years of age or older and is a resident;
- iv. is a disabled veteran eligible for a free license under AS 16.05.341.

(B) the Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(B)(2) – (4).

5 AAC 92.018. A person required to possess an Alaska waterfowl conservation tag or “stamp” under AS 16.05.340(a)(17) shall

- (1) register in the Migratory Bird Harvest Information Program and carry proof of that registration while hunting migratory birds; and
- (2) sign the tag across its face before hunting migratory birds.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal is specific to permanent rural residents of included areas hunting in the spring-summer subsistence season. However, it seems AS 16.05.340(a)(17)(B) grants the board only the authority to exempt the state duck stamp in areas, not for certain people or during different time periods. As a result, if adopted, the proposal would exempt all residents and non-residents from the requirement to purchase an Alaska waterfowl conservation tag for waterfowl hunting during the spring-summer and fall-winter seasons in areas of Alaska deemed by the board under its authority granted by AS 16.05.340(a)(17)(B) not likely to benefit from programs described in AS 16.05.130(b)(2) — (4).

Also, the proposal by indirect effect would complicate the process of registration in the Migratory Bird Harvest Information Program (HIP) for individuals not purchasing a waterfowl conservation tag to hunt waterfowl in the aforementioned exempted areas. The purchase of a State stamp is the only mechanism by which a hunter can register for HIP.

BACKGROUND: In 1984, the board in Resolution 84-35-GB (April 9, 1984) stated, "...the Board of Game urges the Alaska Legislature to enact a bill for a state waterfowl conservation stamp program that...ensures that derived revenues will be used for the conservation, protection, and enhancement of Alaska's waterfowl and wetland resources for the benefit of all Alaskans." In June of 1984, the Legislature of the State of Alaska amended the Alaska Statutes to establish a waterfowl conservation tag (State stamp) and fee (Ch. 71 SLA 1984). The established fee was \$5 to purchase a State stamp; on January 1, 2017 the fee increased to \$10 per stamp.

The intent of the State stamp program was to provide economic benefit to waterfowl and their habitats in Alaska; recognizing them as state, national and international public resources; and offer an opportunity for the public (e.g., waterfowl hunters, birders, stamp collectors) to contribute financial support to waterfowl conservation and management in Alaska. A State stamp program has been instituted in all 50 states in the United States.

The revenue according to statute (AS 16.05.130) from State stamp fees are to be used for (1) the conservation and enhancement of waterfowl; (2) the acquisition, by lease or otherwise, of wetlands that are important for waterfowl and public use of waterfowl in the state; (3) waterfowl related projects approved by the Commissioner; (4) the administration of the waterfowl conservation program; and (5) emergencies in the state as determined by the governor.

The purchase of the State stamp, with a few exceptions, is required by all persons (resident and non-resident) engaged in waterfowl hunting in Alaska. State stamp sales have provided average annual revenues of about \$50,000 (increased revenue is anticipated with the \$5 to \$10 increase in State stamp fee); which when matched with federal aid funds, contribute largely to the research, monitoring, and administration of the department's Statewide Waterfowl Program (SWP).

Federal regulation (50 CFR 20.20) requires hunters of migratory game birds in any state to identify themselves as such, provide personal information to the state, and carry proof of compliance, as part of the national HIP. This program is a hunter sampling method that state wildlife agencies and the U.S. Fish & Wildlife Service use to derive reliable annual estimates of hunting activity and waterfowl harvest throughout the United States. These estimates provide managers important information needed to make rigorous decisions affecting waterfowl hunting seasons, bag limits, and population management. Hunters in Alaska register for HIP by purchasing a State stamp. There is not currently a process or mechanism in place to register for HIP separate from the State stamp program.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not address a biological concern. The department recommends the board consider that the intent of the proposal likely exceeds the limits of authority granted to the board.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 42 – 5 AAC 92.069, 85.015, Special provisions for moose drawing permit hunts. Remove the nonresident guide requirement for moose and black bear hunts.

PROPOSED BY: Resident Hunters of Alaska

WHAT WOULD THE PROPOSAL DO? Remove the nonresident guide requirement for moose and black bear hunts.

WHAT ARE THE CURRENT REGULATIONS? The current regulations regarding special provisions for moose drawing permits can be found in 5 AAC 92.069 and the current Drawing Permit Hunt supplement. The hunting seasons and bag limits for black bear can be found in 5 AAC 85.015 and the current hunting regulations. The required guide species are listed under AS 16.05.407.

Some moose drawing permit hunts such as those in DM809, DM810, and DM811 in Unit 21(B), require the use of a registered guide to apply. For this example where there is an allocation of drawing permits for other hunts in the same unit for non-guided nonresidents, the overall allocation of permits to nonresidents is 50% of the total drawing hunt permits offered for this unit. Other moose drawing permit hunts in the Koyukuk Controlled Use Area, Unit 21(E), and unit 23 also have specific allocations of permits for guided and non-guided nonresident moose hunters.

Nonresident Black bear hunters in Units 1 – 3 have to hunt with a guide or draw one of the limited black bear drawing permits available through the winter permit drawing. Guided black bear hunters (nonresident and resident) are controlled through guide use area allocations made by the USDA Forest Service and private land owners (e.g., native corporations).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Although there is no “guide requirement” currently in place for moose or black bear, there are a few nonresident moose and black bear drawing permit hunts which restrict nonresident opportunity through guided and non-guided allocations (Board of Game), federal guide concession programs (USDA Forest Service), and private land access restrictions (Native Corporations).

If this proposal was adopted, nonresident moose and black bear hunters would no longer be required to apply for specific drawing hunts depending on whether they are hunting with a

registered guide or otherwise for specific hunt areas of the state. There would likely be no allocation between guided nonresident and non-guided nonresident hunters for moose and black bear hunts that currently restrict numbers for the different classes of nonresident hunters in specific drawing permit hunts for those species.

BACKGROUND: Moose hunting opportunities for big bulls on the Noatak and in the Koyukuk Controlled Use Area (KCUA) have been especially desirable for nonresident hunters and guides. Because of this, there have been efforts to allocate bull moose permits in the KCUA and the Noatak drainage with additional allocations for non-guided and guided nonresident moose hunters. Black bear hunting in southeast Alaska has been subject to similar discussions although under a different scenario. Unlike the KCUA and Noatak where there is a significant amount of state land, registered guides and their activities are restricted by federal concessions and contracts with private landowners in southeast. Also, there were concerns about excessive harvest, declining opportunity to harvest older large male black bears, and possibly negative biological effects.

More recently, nonresident hunting restrictions and related topics such as allocation, guided nonresident hunting, and nonresident hunter opportunity have been getting more attention from the public and the Board of Game due to recent proposals to limit the number of nonresident hunters and limit the number of animals harvested. Sheep hunting opportunity has been discussed extensively at recent board meetings, but the opportunity for nonresidents to hunt mountain goat, moose and bear is becoming more of a topic for discussion as evidenced by proposals 77, 102, and this proposal.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocation of black bear and moose hunting opportunity between resident and nonresident hunters.

COST ANALYSIS: Adoption of this proposal would not result in additional costs to the department.

PROPOSAL 43 – 5 AAC 92.011. Taking of game by proxy. Allow the taking of emperor geese by proxy hunting.

PROPOSED BY: Alaska Native Caucus of the Alaska Migratory Bird Co-Management Council

WHAT WOULD THE PROPOSAL DO? The proposal seeks to allow a resident proxy hunter to harvest an emperor goose for a resident beneficiary unable to participate in the fall-winter hunt because they are blind, physically disabled, or 65 years of age or older.

WHAT ARE THE CURRENT REGULATIONS? The current regulation does not allow for proxy hunting of emperor geese.

5AAC 92.011

- (a) A resident hunter (the proxy) holding a valid resident hunting license may take specified game for another resident (the beneficiary) who is blind, physically disabled or 65 years of age or older, as authorized by AS 16.05.405 and 5 AAC 92.011.

...

- (k) Proxy hunting under this section is only allowed for
 - (1) caribou;
 - (2) deer; and
 - (3) moose in Tier II hunts, any-bull hunts, and antlerless moose hunts.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? A resident (beneficiary) that is incapable of participating in the fall-winter emperor goose hunt because of their age or physical impairment would have the option of participating in the emperor goose registration permit hunt via a resident (proxy) hunter.

BACKGROUND: In 2017, the fall-winter hunt of emperor geese is opened to Alaska residents; the first harvest of emperor geese in over 30 years. Federal regulations allow the State of Alaska an annual harvest quota of 1000 emperor geese. The board created seven hunt areas across the range of emperor geese and divided the 1000 bird quota into smaller quotas across each hunt area. Hunt areas will be closed by emergency order when area harvest quotas are met. The fall-winter hunt is administered as a registration permit hunt that allows a permit holder to harvest one emperor goose per season. Registration permits are free and available in unlimited number. In 2016, approximately 9,500 Alaska residents purchased a waterfowl conservation tag to hunt waterfowl in Alaska.

Federal regulation (50 CFR 20.40) allows a hunter to gift killed migratory birds to another person if properly tagged. Thus, a hunter with a permit may gift their one harvested emperor goose to a recipient that is unable to participate in the emperor goose hunt because they are blind, physically disabled or 65 years or older. But to do this, the hunter would forfeit their one emperor goose allowed for the season. There is no provision in regulation (5 AAC 92.011) that allows a resident to act as proxy for a qualifying resident beneficiary to hunt emperor geese, so that both individuals have the opportunity to obtain an emperor goose during the hunt season.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not address a biological concern. If the proposal is adopted, the department recommends the board consider eliminating the trophy value of a proxy harvested emperor goose by amending 5 AAC 92.011(j) to stipulate removal of the head from the proxy and beneficiary's harvested emperor goose before leaving the kill site. By removing the head, hunters could remain in compliance with 50 CFR 20.43, which states that, "no person shall transport within the United States any migratory game birds, except doves and band-tailed pigeons, unless the head or one

fully feathered wing remains attached to each bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a migratory game bird preservation facility.”

COST ANALYSIS: Adoption of this proposal would not result in additional costs to the department.

PROPOSAL 44 – 5 AAC 92.011. Taking of game by proxy. Allow proxy hunting in moose hunts with antler restrictions.

PROPOSED BY: Rebecca Schwanke

WHAT WOULD THE PROPOSAL DO? The proposal seeks to allow proxy hunting in antler restricted moose hunts statewide.

WHAT ARE THE CURRENT REGULATIONS?

5AAC 92.011

- (a) A resident hunter (the proxy) holding a valid resident hunting license may take specified game for another resident (the beneficiary) who is blind, physically disabled or 65 years of age or older, as authorized by AS 16.05.405 and 5 AAC 92.011.

...

- (d) A person may not be a proxy
 - (1) for more than one beneficiary at a time;
 - (2) more than once per season per species in Unit 13;
 - (3) for Tier II caribou in Unit 13, unless the proxy is a Tier II permittee;
 - (4) for more than one person per regulatory year for moose in Units 20(A) and 20(B).

...

- (k) Proxy hunting under this section is only allowed for
 - (1) caribou;
 - (2) deer; and
 - (3) moose in Tier II hunts, any-bull hunts, and antlerless moose hunts.

(l) Notwithstanding (k) of this section, proxy hunting is prohibited in the following hunts where the board has determined that the use of the proxy would allow circumvention of harvest restrictions specified by the board, or where the board has otherwise directed:

- (1) Unit 20(E) moose registration hunts...;
- (2) Units 21(B), 21(C), 21(D), and 24 moose hunts if either the proxy or the beneficiary holds a drawing permit for Units 21(B), 21(C), 21(D), or 24 moose hunts;

...

(5) Unit 20(D), within the Delta Junction Management Area, the moose drawing hunt for qualified disabled veterans.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, Alaska residents would be able to proxy hunt for all moose hunts open to Alaska residents, unless specifically restricted by the board.

BACKGROUND: The board has slowly been allowing proxy hunting in fewer and fewer hunts to prevent complaints of abuse of the proxy hunting provision. The most recent change was restricting the number of times per regulatory year a person could proxy hunt moose in Units 20(A) and 20(B), which has antlerless moose hunts.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative nature of this proposal. If the board adopts this proposal, they should specify whether hunt specific exemptions to proxy hunting in 5 AAC 92.011(d) and (l) should remain in place.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 45 - 5 AAC 92.171. Sealing of horns and antlers. Require moose antlers to be sealed in all hunts with antler restrictions.

PROPOSED BY: Homer Advisory Committee

WHAT WOULD THE PROPOSAL DO? The proposal would require moose antlers to be sealed in areas where there are antler restrictions.

WHAT ARE THE CURRENT REGULATIONS? The current regulations require hunters who have taken moose in any hunt in Unit 7, excluding the Placer River drainages, and that portion of the Placer Creek (Bear Valley) drainages outside the Portage Glacier Closed Area, and 15, to have the antlers permanently sealed by a department representative within 10 days after the taking, or lesser time if designated by the department.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, it would require the antlers of any moose taken in areas throughout the state with antler restrictions to be brought in to a Fish and Game office to have the antlers sealed within a specified time of take.

BACKGROUND: The current regulations that require antlers to be sealed in Units 7 and 15 went into effect in Regulatory Year 2011 as a way to address concerns over an increase in number of illegal kills. The original regulation was to sunset after two years, at which time the board revisited the subject and decided to make the sealing requirement a permanent regulation.

At the February 2017 Board of Game (board) meeting, the board adopted additional regulations for Units 7 and 15 which required all hunters to complete a moose hunter orientation prior to hunting. Even though this orientation is only required for Units 7 and 15, the orientation is suited for accurately judging moose antlers statewide. This regulation went into effect July 1, 2017 and at this time we have no data to show if this reduced illegal take. In addition, the department is producing a new “Is this moose legal” educational video which should also improve compliance with antler restrictions.

DEPARTMENT COMMENTS: The department is **NETURAL** on this proposal because it does not address a biological concern. This proposal would pose a significant imposition to hunters in areas where there is not the same level of concern for the population as there was in Units 7 and 15. For example, in 2016, in Subunit 14A which has antler restrictions for general season harvest tickets, just short of 450 moose were harvested. In 2016, in Subunit 20A which also has antler restrictions for general season harvest tickets, just short of 300 moose were harvested. In 2016 only 285 moose were harvested in areas that required sealing in Units 7 and 15. The increase in staff time in sealing moose antlers in areas with antler restrictions would be cumbersome for the public and staff. For many rural hunters, travel and transport of antlers to a city with a Fish and Game office could be expensive.

COST ANALYSIS: Adoption of this proposal is expected to result in significant additional costs to the department in the form of staff time, and significant costs to private parties who do not have a local department office and therefore must travel and transport antlers to have them sealed.

PROPOSAL 46 - 5 AAC 92.135. Transfer of possession. Modify the transfer of possession regulation as it pertains to guided and transported hunters.

PROPOSED BY: Upper Tanana Fortymile Fish and Game Advisory Committee

WHAT WOULD THE PROPOSAL DO? The proposal would make game taken by a client of a guide or transporter, in possession by the guide or transporter, but not accompanied by the client, be considered to be in possession of the client.

WHAT ARE THE CURRENT REGULATIONS? It is required that prior to all salvage being completed, if a person gives or receives game or parts of game, that person shall provide a signed statement of the names and address of each person who gave or received the game, when and where the game was harvested, what parts of game were transferred, and the hunting license number of the hunter. This is required until all salvage requirements have been met. The recipient is responsible for salvaging the edible meat for human consumption. This form is not needed if the person who took the game accompanies the person possessing the meat. At any time, game parts and the signed statement may be examined by a peace officer of the state or a

federal fish and wildlife agent. This is a requirement under both state and federal hunting regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The Transfer of Possession form would not be required for guides, transporters, or their contracted clients, but would still be required for other hunters if they transfer meat or game parts.

BACKGROUND: The regulation first went into effect in 1987. At that time it was required that a signed statement describing the names and addresses of persons who gave or received game, when and where it was taken, and what game parts were transferred. In 1991, the regulation was expanded to include language that stated the person who receives the meat or game parts is responsible for ensuring the edible meat is salvaged for human consumption. In 1994, the board clarified that the person receiving the meat must show the signed statement to a peace officer if asked. In 1998, the regulation was further clarified to require both parties, the person transferring the meat and the person receiving the meat must provide a signed statement if requested by a peace officer of the state. Finally, the last time the regulation was modified was in 2008, which required the hunting license of the person who harvested the game be included on the signed statement.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal, and recommends that the board consider the effects this may have on law enforcement and determining if game is taken legally.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 47 - 5 AAC 92.135. Transfer of possession. Modify the transfer of possession regulations to be less restrictive.

PROPOSED BY: Alaska Professional Hunters Association

WHAT WOULD THE PROPOSAL DO? This proposal would modify the current transfer of possession requirements so that either the hunter or the person who is receiving the game can sign the statement, both signatures would no longer be required. It would also allow the signed statement to be created at the time it was requested.

WHAT ARE THE CURRENT REGULATIONS? It is required that prior to all salvage being completed, if a person gives or receives game or parts of game, that person shall provide a signed statement of the names and address of each person who gave or received the game, when and where the game was harvested, what parts of game were transferred, and the hunting license number of the hunter. This is required until all salvage requirements have been met. The recipient is responsible for salvaging the edible meat for human consumption. This form is not

needed if the person who took the game accompanies the person possessing the meat. At any time, game parts and the signed statement may be examined by a peace officer of the state or a federal fish and wildlife agent. This is a requirement under both state and federal hunting regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The hunter or the person receiving the meat or game parts would be required to fill out and sign the transfer of possession form, both signatures would no longer be required. Also, it would be lawful to create the required information at the time of the request, if requested by a peace officer of the state or a federal fish and wildlife agent. Producing the required information at the time of request could prove difficult, because one of the pieces of required information is the hunting license number of the person who harvested the game.

BACKGROUND: The regulation first went into effect in 1987. At that time it was required that a signed statement describing the names and addresses of persons who gave or received game, when and where it was taken, and what game parts were transferred. In 1991, the regulation was expanded to include language that stated the person who receives the meat or game parts is responsible for ensuring the edible meat is salvaged for human consumption. In 1994, the board clarified that the person receiving the meat must show the signed statement to a peace officer if asked. In 1998, the regulation was further clarified to require both parties, the person transferring the meat and the person receiving the meat must provide a signed statement if requested by a peace officer of the state. Finally, the last time the regulation was modified was in 2008, which required the hunting license of the person who harvested the game. The hunting license number is used to verify the hunter had a license and the appropriate permit prior to taking game.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not address a biological concern.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 48 – 5 AAC 92.135. Transfer of possession. Modify the transfer of possession regulations to include reporting requirements for guides.

PROPOSED BY: Resident Hunters of Alaska

WHAT WOULD THE PROPOSAL DO? The proposer states that often multiple Transfer of Possession forms are used after a guided hunter transfers the meat to the Alaska-licensed guide. The proposal seeks to require the Alaska-licensed guide to keep record of all transfer of

possession forms and must submit those forms to the department within 30 days of the season end.

WHAT ARE THE CURRENT REGULATIONS? It is required that prior to all salvage being completed, if a person gives or receives game or parts of game, that person shall provide a signed statement of the names and address of each person who gave or received the game, when and where the game was harvested, what parts of game were transferred, and the hunting license number of the hunter. This is required until all salvage requirements have been met. The recipient is responsible for salvaging the edible meat for human consumption. This form is not needed if the person who took the game accompanies the person possessing the meat. At any time, game parts and the signed statement may be examined by a peace officer of the state or a federal fish and wildlife agent. This is a requirement under both state and federal hunting regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Alaska-licensed guides would be required to keep a record of all transfer of possession forms and submit the forms to the department within 30 days of season end.

BACKGROUND: The Board of Game does not have authority to impose regulations upon guides. The regulation first went into effect in regulatory year 1987. At that time it was required that a signed statement describing the names and addresses of persons who gave or received game, when and where it was taken, and what game parts were transferred. In 1991, the regulation was expanded to include language that stated the person who receives the meat or game parts is responsible for ensuring the edible meat is salvaged for human consumption. In 1994, the board clarified that the person receiving the meat must show the signed statement to a peace officer if asked. In 1998, the regulation was further clarified to require both parties, the person transferring the meat and the person receiving the meat must provide a signed statement if requested by a peace officer of the state. Finally, the last time the regulation was modified was in RY08, which required the hunting license of the person who harvested the game.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The board does not have the authority to impose regulations upon guides. Currently the department does not track these forms or require them to be submitted to the department.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 49 – 5 AAC 92.031. Permit for selling skins, skulls, and trophies; and 92.200. Purchase and sale of game. Require a permit before brown bear skulls and hides with claws attached can be sold.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? The proposal seeks to require a permit before brown bear skulls and hides with claws attached can be sold.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.200(b) Except as provided in 5 AAC 92.031, a person may not purchase, sell, advertise, or otherwise offer for sale:

(1) any part of a brown bear, except an article of handicraft made from the fur of a brown bear, and except skulls and hides with claws attached of brown bears harvested in areas where the bag limit is two bears per regulatory year;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the proposal would require persons to obtain a permit prior to selling brown bear skulls or hides with claws attached.

BACKGROUND: In 2016 the board allowed the sale of all brown bears harvested in areas where the bag limit is two brown bears per year. Brown bears intended for sale must be sealed, but there is currently no way to track or quantify the interest in selling brown bear skulls and hides with claws attached. There are concerns about the potential to increase the harvest of brown bears for sale. The board may also need to distinguish between uses to make allocation decisions between commercial and other uses in the future. There are also concerns about the current inability to determine that hides and skulls that are sold were taken in areas with a two brown bear bag limit.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Tracking the interest in selling brown bear parts is the first step toward identifying any potential correlation between the sale of bear hides and skulls and the desire to harvest bears.

COST ANALYSIS: Adoption of this proposal is expected to result in minimal additional costs to the department.

PROPOSAL 50 – 5 AAC 92.116. Special provisions in predator control areas. Provide clarification for allowing guides to register additional guide use areas for taking predators, and to restrict the take of predators in those guide use areas as necessary.

PROPOSED BY: Aaron Bloomquist

WHAT WOULD THE PROPOSAL DO? This proposal would allow guides, who have registered additional guide use areas in Game Management Units with predator control programs, to guide all species of predators in the additional areas unless the board has made a

specific exclusion for that predator species in regulation. The proposal also asks to specifically exclude brown bears in Units 7, 9, and 15 and black bears in Units 7 and 15, which are not on the call for the Statewide meeting.

WHAT ARE THE CURRENT REGULATIONS?

AS 08.54.750 (e). Use area registration.

Notwithstanding (b) of this section, a registered guide-outfitter who is registered in three guide use areas may also register for and conduct big game hunting services for wolf, black bear, brown bear, or grizzly bear in guide use areas within a game management unit or portion of a game management unit where the Board of Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the depletion of a big game prey population that is the basis for the establishment of an intensive management program in the game management unit or for the declaration of the biological emergency in the game management unit or portion of the game management unit. A registered guide-outfitter may only conduct hunts in a guide use area under this subsection for the big game species identified by the Board of Game as the cause of the depletion or reduction of productivity of a big game prey population.

5AAC 92.116 (c). Special provisions in predator control areas.

(c) In this section, “active” means that predator control permits have been issued for the referenced predation control area during the current year.

Predator control programs are listed in 5AAC 92.110 through 5AAC 92.125.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would allow guiding of wolves, black bears, and brown bears in any guide use area that is registered as an additional area under the provision in AS 08.54.750(e) unless the predator species is excluded in regulation by the board. The new regulation would apply to all of the predator control programs listed in codified regulation (5AAC 92.110 through 5AAC 92.125).

BACKGROUND: The statute (AS 08.54.750(e)) that allows guides to register additional guide use areas provides additional guiding opportunity for predator populations that limit prey species. The statute has been implemented, but adjustments have been made due to biological and administrative considerations that were encountered over time. Two boards (Board of Game and Big Game Commercial Services Board) and two departments (Fish and Game and Department of Community, Commerce, and Economic Development) have a role in the implementation of this statute. Administrative changes in these government bodies over time have affected how the statute has been applied.

The statute limits the use of extra guide use areas to wolf, black bear, and brown (grizzly) bear populations that occur within established predation control areas or are the basis for a biological

emergency; however, not all of the programs found in regulation are “active” according to the definition found in 5AAC 92.116 because the program was either meeting the Intensive Management (IM) program’s objectives for the predator or prey species, suspended due to a lack of progress towards the objectives, or deemed to be ineffective.

It is unlikely that the resulting increase in harvest of additional predators will have a positive effect on the status of the identified prey populations for which IM Plans exist. The IM planning process includes a review of all factors limiting the growth of the identified prey population and considers the feasibility of implementing a program designed to address the most limiting factors. Predators that are not included in the final plans are either (1) not a significant predator of the identified prey population or (2) it was not deemed feasible to reduce the predator population sufficiently to achieve the desired response in the prey population.

As identified by the proposal, application of this statute to all wolf and bear populations within a predator control area may not be desired in all cases. For example, the additional authorization to guide for brown bears in Units 9 and 15 may be counter to the management strategy that has been endorsed by the board.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocation of hunting opportunity between guided and unguided hunters. The board cannot adopt a regulation that is inconsistent with state Statute. The desired change can only be made by the legislature. The effects of the additional guided hunting activity will vary from program to program. As a result, the department recommends that the biological and social implications and the potential effect on management strategies for each area be considered on a case-by-case basis.

COST ANALYSIS: Adoption of this proposal would not result in additional costs to the department.

PROPOSAL 51 – 5 AAC 92.116. Special provisions in predator control areas. Change the implementation date for removing additional guide use areas under intensive management.

PROPOSED BY: Clint Miller

WHAT WOULD THE PROPOSAL DO? This proposal would change when the department determines if a predator control program will be active or not from calendar year to regulatory year.

WHAT ARE THE CURRENT REGULATIONS?

AS 08.54.750 (e). Use area registration.

Notwithstanding (b) of this section, a registered guide-outfitter who is registered in three guide use areas may also register for and conduct big game hunting services for wolf,

black bear, brown bear, or grizzly bear in guide use areas within a game management unit or portion of a game management unit where the Board of Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the depletion of a big game prey population that is the basis for the establishment of an intensive management program in the game management unit or for the declaration of the biological emergency in the game management unit or portion of the game management unit. A registered guide-outfitter may only conduct hunts in a guide use area under this subsection for the big game species identified by the Board of Game as the cause of the depletion or reduction of productivity of a big game prey population.

5AAC 92.116 (c). Special provisions in predator control areas.

(c) In this section, “active” means that predator control permits have been issued for the referenced predation control area during the current year.

Predator control programs are listed in 5AAC 92.110 through 5AAC 92.125.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted a predator control program’s status of active or inactive would be determined at the turn of the regulatory year, July 1, instead of the turn of the calendar year, January 1.

BACKGROUND: This proposal addresses the ability of a guide to register additional guide use areas in “active” IM program areas, which provides addition guiding opportunity for predator populations that limit prey species. The activity status of an IM program is defined in 5AAC92.116(c) and is currently determined based on the calendar year. Each year, the department issues a memo to the Department of Commerce, Community, and Economic Development, which overseas guides and transporters, in December, prior to the renewal of guide use area registrations in January, containing the status of IM programs in game management units. If this proposal is adopted, the department would produce the same memo in June, approximately 6 months earlier. The proposal does not require a regulatory change, and the department currently issues the memo in December under its existing administrative authority.

Intensive Management programs are adopted in regulation for a specified period of time using an expiration date; however, some programs are not implemented for a variety of reasons, including the suspension of a program after achieving the predator reduction objective. Distinguishing between active and inactive programs has been an important tool for describing program status and for determining the application of predator reduction techniques.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on when the activity status of a program is determined, provided that it is recognized that the decision to apply a program’s predator reduction techniques may change as new information is acquired. The proposal does

not require a regulatory change, and the department currently issues the memo in December under its existing administrative authority.

COST ANALYSIS: Adoption of this proposal would not result in additional costs to the department.

PROPOSAL 52 – 5 AAC 92.106. Intensive management of identified big game prey populations; 5 AAC 92.110. Control of predation by wolves; and 5 AAC 92.115. Control of predation by bears. Prohibit nonresident hunting of moose and caribou under intensive management until harvest and population objectives are met.

PROPOSED BY: Resident Hunters of Alaska

WHAT WOULD THE PROPOSAL DO? The proposal would eliminate nonresident hunting seasons for the target prey species, specifically moose and caribou, in any area that has a current Intensive Management (IM) Plan in regulation until the minimum IM objectives for the target prey species population size and harvest are being met.

WHAT ARE THE CURRENT REGULATIONS? Nonresident moose hunting seasons are listed in 5AAC 85.045 and nonresident caribou hunting seasons are listed in 5AAC 85.025. The regulations are also summarized in the current Alaska Hunting Regulations.

IM programs have been established to restore moose and caribou, and deer populations throughout Alaska. A list of current IM programs and their status is maintained on the department’s website at

<http://www.adfg.alaska.gov/index.cfm?adfg=intensivemanagement.programs>.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Nonresidents would not be authorized to hunt moose or caribou, respectively, in IM areas unless the minimum objectives for the target prey species (moose or caribou) are met. The new restriction would apply to all of the predator control programs listed in codified regulation (5AAC 92.110 through 5AAC 92.125) that have not expired and any new IM programs that are adopted after the proposed regulation takes effect, and it would only apply to the prey species for which the program was developed.

BACKGROUND: IM programs are developed to meet IM objectives for caribou, moose, and deer populations that have been identified as important for high levels of consumptive use. During the program development process, the department develops draft Feasibility Assessments and Operational plans that are reviewed by the board. Codified regulations are adopted for programs that are feasible and have a reasonable chance of success.

It is important to note that while many populations of moose, caribou, and deer have a positive IM finding listed in 5AAC 92.108, the majority of these populations do not have a formal IM program. There are 17 established IM plans in regulation, some of which are expired. Most of them are not active.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal to allocate harvest to residents when the population is below IM objectives and a formal IM program has been developed. No biological concerns are identified or addressed by this proposal. The department recommends that the biological and social implications and the potential effect on management strategies for each area be considered on a case-by-case basis. This proposal only impacts two of the three prey species the board has identified as important for providing high levels of human harvest and should consider amending the proposal to include deer, or to specify why deer was not included.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs to the department.

PROPOSAL 53 – 5 AAC 99.025(a)(12). Customary and traditional uses of game population(s). Re-evaluate the customary and traditional use finding for migratory game birds statewide.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Determine if there are customary and traditional (C&T) subsistence uses of migratory game birds in units that do not currently have findings.

WHAT ARE THE CURRENT REGULATIONS? There are various state and federal regulations governing the hunting of migratory game birds, which include migratory waterfowl (ducks, geese, swans), sandhill cranes, and common snipe. The department has prepared an in-depth customary and traditional use worksheet, Special Publication No. BOG 2017-10, which is posted on the Board of Game’s website for the November 2017 Statewide meeting. Detailed state and federal regulations can be found in the report. Current regulations include positive customary and traditional use findings for all migratory game birds in units 18, 22, 23, and 26A; emperor geese throughout their Alaska range (units 8, 9, 10, 17, 18, 22, and 23); and Canada geese in Unit 6. The board has made no C&T findings for migratory game birds in other units.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Customary and traditional uses of migratory game birds throughout their ranges in Alaska would be acknowledged in regulation.

BACKGROUND: At its January 2017 Arctic/Western region meeting in Bethel, the board considered Proposal 157 to open a hunting season for emperor geese. Since the board, when

considering regulations to provide hunting opportunities, is required by state law at AS 16.05.258 to identify game populations, or portions of populations, that support customary and traditional subsistence uses (a “C&T finding”), and no findings for emperor geese or migratory birds were in regulation, the department presented a C&T worksheet, Special Publication BOG 2017-10, that addressed emperor geese specifically, and migratory birds in general. However, although the board expressed support for including all migratory birds in a positive C&T finding throughout their Alaska ranges (except in nonsubsistence areas), due to the scope of the meeting notice, the board could not address C&T uses of migratory birds other than emperor geese outside the Arctic/Western region (Units 18, 22, 23, and 26A). The board requested the department submit a proposal to address C&T uses of migratory game birds on a statewide basis.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in these hunts or in additional costs to the department.

**ANALYSIS
and
RECOMMENDATIONS
for**

BOARD OF GAME PROPOSAL 54

Regulations:

5 AAC 92.070. Tier II subsistence hunting permit point system.

The department is in the process of preparing draft analysis and recommendations for the Proposal 54, which addresses Tier II point scoring. The department will provide its analysis and recommendations in advance of the November 2017 Statewide Board of Game meeting.

PROPOSAL 55 – 5 AAC 92.019 Taking of big game for certain religious ceremonies.

Amend 5 AAC 92.019 to allow the taking of big game for potlatch ceremonies, in addition to the currently authorized Alaska Native funerary and mortuary religious ceremonies, and require permits for the taking of big game for all such ceremonies.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? Add potlatches to the types of ceremonies for which the taking of big game is authorized outside established seasons and bag limits; require a permit for taking big game under this section; specify the conditions under which the department could limit the amount of big game to be harvested; remove the notification requirement for take for religious reasons (and replace it with a permit requirement); and specify a hunting license is required to take big game.

WHAT ARE THE CURRENT REGULATIONS?

- 92.017 Koyukon potlatch ceremony
- 92.019 Taking of big game for certain religious ceremonies
- 92.034 Permit to take and use game for cultural purposes
- 92.053 Permit to take moose for Nuchalawoyya Potlatch
- 92.055 Stickdance permit

Current regulations (5 AAC 92.017, 5 AAC 92.019) allow the taking of big game for customary and traditional Alaska Native funerary and mortuary religious ceremonies outside of established seasons and bag limits. 5 AAC 92.053 allows for the harvest of up to three moose for the Nuchalawoyya Potlatch held annually in Tanana. 5 AAC 92.055 allows for the harvest of up to three moose for the ceremony known as the Stickdance. 5 AAC 92.034 provides for the taking of game for cultural purposes.

Hunting and taking of big game having a positive customary and traditional use finding outside the regular seasons and bag limits for use in Alaska as food in customary and traditional Alaska Native funerary or mortuary religious ceremonies is allowed within 12 months of the ceremony, if consistent with sustained yield (5 AAC 92.019). The department must publicize a list of game populations and areas, if any, where such taking would be inconsistent with sustained yield. It is the hunter's responsibility to contact the department to ascertain which game populations are on the list. The list can be found at the department's website at <http://www.adfg.alaska.gov/index.cfm?adfg=huntlicense.cultural>.

A written permit is not required under 5 AAC 92.019. However, in any state nonsubsistence area, and in the Copper Basin community subsistence hunt area described at 5 AAC 99.074(d), a departmental ceremonial harvest report form must be obtained and jointly completed by the hunter and the Tribal chief, Village Council president, clan leader, traditional Native head of family, or clan leader's designee.

Before game is taken, the Tribal chief, Village Council president, clan leader, traditional Native head of family, or clan leader's designee must notify the nearest department office that a hunt for game will take place. The notification must include the number of animals expected to be taken, and where the taking will occur. The Tribal chief, Village Council president, clan leader, traditional Native head of family, or clan leader's designee must maintain records of the successful hunters and the decedents for the ceremony, and make that information available to an

authorized representative of the department upon request. The Tribal chief, Village Council president, clan leader, traditional Native head of family, or clan leader's designee must also notify the department of the location, species, sex, and number of animals taken as soon as practicable, but not more than 15 days after taking the game.

There is one other regulation authorizing take of game for religious ceremonies. The Koyukon Potlatch Ceremony regulation at 5 AAC 92.017 provides for the taking of big game outside regular hunting seasons and bag limits for the traditional Koyukon Potlatch Funerary or Mortuary Ceremony. A written permit is not required, but the Tribal chief, Village Council president, or the chief's or president's designee must maintain a list of the designated hunters who successfully harvested big game, and make the list available, after the hunt is completed, to an authorized representative of the department upon request. The Tribal chief, Village Council president, or the chief's or president's designee must also notify the department as soon as practicable, but not more than 15 days after the harvest, of the location of the kill and the species, sex, and number of big game animals taken.

There are also regulations for taking game for important community-based social or secular purposes. The department may issue a permit to take certain game species for the purpose of teaching and preserving historical or traditional Alaskan cultural practices, knowledge, and values under the regulation found at 5 AAC 92.034. The species are deer, moose, caribou, black bears, mountain goats, small game, furbearers, and any migratory bird for which a federal permit has been issued. A permit may not be issued if the taking of game could be reasonably accommodated under existing regulations.

The Nuchalawoyya Potlatch regulation (5 AAC 92.053) provides, upon application, subsistence permits for up to three moose per regulatory year. Permittees must report the sex and location of taking for each moose to the Fairbanks ADF&G Division of Wildlife Conservation office within three days after taking of each animal.

The Stickdance permit regulation (5 AAC 92.055) allows the taking of up to three moose per regulatory year for the ceremony known as Stickdance only under the terms of a permit issued by application.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Big game could be taken for unspecified potlatch ceremonies outside established seasons and bag limits. A permit would be required for such taking. A permit requirement would be added for the taking of big game for customary and traditional Alaska Native funerary and religious ceremonies. Current regulations authorizing taking of big game for the Koyukon Potlatch Ceremony, the Nuchalawoyya Potlatch, and the Stickdance would remain in effect, although the proposer expressed the intent to centralize the potlatch permits in a single regulation and repeal the various individual regulations, if included in a Call for Proposals.

BACKGROUND: In 1979, the Alaska Supreme Court reversed a 1975 Alaska District Court conviction of a resident for taking a cow moose out of season for a funeral potlatch. In its finding, the Alaska Supreme Court noted that killing moose out of season for a funeral ceremony does not violate the establishment of religion clauses in either the United States or State of Alaska constitutions. Rather, it allows the observance of ancient traditions and ensures the governmental obligation of neutrality in recognizing religious differences, rather than suggesting involvement in religious institutions. The Supreme Court concluded that the state should adopt carefully-crafted regulations to provide an exemption for funeral potlatches— regulations that guard against abuses and aid in recordkeeping for sustainable management purposes. In 1987, the board adopted 5 AAC 92.019 described above, which limits harvests specifically for funerary and mortuary purposes because of their fundamentally sacred nature. 5 AAC 92.019 does not require designated hunters to procure a permit prior to the hunt; however, the Board did amend this regulation in 2003 to require a Tribal chief, Village Council president or their designee to notify the nearest department office prior to the hunt that a ceremonial hunt will take place [5 AAC 92.019(c)(d)].

The Koyukon Potlatch (5 AAC 92.017) became effective in 2003 and also does not require a permit; however, the requirement to notify ADF&G prior to the hunt is absent from this regulation.

The Stickdance permit, outlined in 5 AAC 92.055, provides for the harvest of wild resources out of season for the Lower Koyukon Athabascan Feast of the Dead held in Kaltag and Nulato along the Yukon River. The Stickdance is considered the conclusion of a funeral ceremony that began immediately after death. It has two primary purposes: 1) to lay the spirit of the deceased to rest so that it can move on from the vicinity of the community, and 2) to repay those who helped the family at the time of death. The Stickdance usually occurs in March or April and moose meat is one of the primary foods served at the feast. The Stickdance permit regulation was adopted by the Board in 1989 as a result of Proposal 57.

Ceremonies commonly called “potlatches” in English also are regularly given for other important community-based social or secular purposes among certain Alaska Native groups, and some regulatory mechanisms for the harvest of game species exist for these. The Nuchalawoyya Potlatch regulation (5 AAC 92.053) provides subsistence permits to applicants for up to three moose to be shared in this historical, annual celebration where traditional methods, skills, and values are passed from generation to generation. As such, the taking of moose for the Nuchalawoyya Potlatch as a customary and traditional use has a long history predating Alaska’s purchase by the United States. Hunting under the Nuchalawoyya Potlatch permit occurs annually in early June.

Under 5 AAC 92.034, the department may issue permits, upon application, for the taking and use of game for the purposes of teaching and preservation of historical or traditional Alaskan cultural practices, knowledge, or values. Examples of events for which permits were issued include the

Old Minto Recovery Camp, the annual Denakkanaaga Elders and Youth Meeting, and Fairbanks Native Association events, among others.

DEPARTMENT COMMENTS: The department is NEUTRAL on the allocation of game and on the location of regulations in the Alaska Administrative Code. However, both 5 AAC 92.017 and 5 AAC 92.019 respond to a requirement set out by the Alaska Supreme Court in a 1979 ruling regarding customary and traditional Alaska Native funerary ceremonies (see above). Adding other, unspecified ceremonies to 5 AAC 92.019 and the two customary and traditional events that the board has recognized would continue to expand the taking of game out of season and in excess of established bag limits beyond the religious practices addressed in the court ruling.

COST ANALYSIS: There may be increased costs to private parties to obtain and return a permit. There may be no local department office, or no electronic means of obtaining a permit. Adoption of the proposal may slightly increase costs to the department to develop and distribute permits.

**ANALYSIS
and
RECOMMENDATIONS
for**

BOARD OF GAME PROPOSALS 56 and 57

Regulations:

5 AAC 92.072. Community Subsistence harvest hunt area and permit conditions.

The department is in the process of preparing draft analysis and recommendations for the Proposals 56 and 57, which addresses community subsistence harvest hunts. The department will provide its analysis and recommendations in advance of the November 2017 Statewide Board of Game meeting.

PROPOSAL 58 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions; and 92.220. Salvage of game meat, furs, and hides. Modify the salvage requirements for moose and caribou taken under community subsistence harvest hunts.

PROPOSED BY: Denali Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? Place in regulation the requirement to have meat naturally attached to the bone for moose and caribou taken under community subsistence harvest hunts.

WHAT ARE THE CURRENT REGULATIONS? Requiring meat to be naturally attached to the bone during salvage is not currently in regulation for any community subsistence harvest hunt.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Hunters in a community subsistence harvest hunt for moose or caribou would be required to keep meat naturally attached to the bone. This would apply to two areas: the Chalkytsik Community Harvest area for moose and the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina Chitina, and Kluti Kaah Community Harvest Area for moose and caribou.

BACKGROUND: Salvage requirements for all community subsistence hunts are addressed under 5 AAC 92.072 which refers to the department’s discretionary permit authority under 5 AAC 92.052. *Discretionary permit hunt conditions and procedures.* For the Chalkytsik hunt, there are meat on the bone salvage requirements that are identical to the other hunts in the same area. At 5 AAC 92.220(d)(3), for moose taken before October 1 the meat of the front quarters, hind quarters, and ribs must remain naturally attached to the bone until the meat has been transported from the field or is processed for human consumption.

For the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina Chitina, and Kluti Kaah caribou hunt, participants must salvage for human consumption: 1) The heart, liver, kidneys, and fat, as well as all edible meat from the forequarters, hindquarters, ribs, neck, and backbone; and 2) Prior to October 1, meat of the forequarters, hindquarters, and ribs must remain naturally attached to the bones until delivered to the place where it is processed for human consumption.

For the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina Chitina, and Kluti Kaah moose hunt, participants must salvage for human consumption: 1) The head, heart, liver, kidneys, stomach, and hide, as well as all edible meat from the forequarters, hindquarters, ribs, neck, and backbone; and 2) During the fall season, meat of the forequarters, hindquarters, and ribs must remain naturally attached to the bones until delivered to the place where it is processed for human consumption. These salvage requirements apply to all bulls harvested under a CSH Moose permit, regardless of potential changes in bag limit in-season.

DEPARTMENT COMMENTS: The department is NEUTRAL on whether the salvage requirements are placed into regulation or remain part of discretionary permit conditions.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in these hunts, nor additional costs to the department.

**ANALYSIS
and
RECOMMENDATIONS
for**

BOARD OF GAME PROPOSAL 59

Regulations:

5 AAC 92.070. Tier II subsistence hunting permit point system.

5 AAC 92.072. Community Subsistence harvest hunt area and permit conditions.

The department is in the process of preparing draft analysis and recommendations for the Proposal 59, which addresses community subsistence harvest hunts and the Tier II permit point system. The department will provide its analysis and recommendations in advance of the November 2017 Statewide Board of Game meeting.

PROPOSAL 60 – 5 AAC 92.003. Hunter education and orientation requirements.

Beginning July 1, 2018, all hunters 12 years of age or older must have completed a hunter education course to hunt in the state of Alaska. Hunters under 12 years of age must be accompanied by someone who has successfully completed a hunter education course.

PROPOSED BY: John Kaiser

WHAT WOULD THE PROPOSAL DO? This proposal would require all hunters 12 years of age or older to successfully complete a hunter education course prior to hunting and hunters under 12 years of age would need to be accompanied by someone who has successfully completed a hunter education course.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.003. Hunter education and orientation requirements

- (a) Beginning August 1, 2002, a person born after January 1, 1986 that is
- (1) required to have a hunting license must have successfully completed a certified hunter education course in order to hunt in Units 7, 13, 14, 15, and 20;
 - (2) not required to have a hunting license, and who has not successfully completed a certified hunter education course, must, in order to hunt in Units 7, 13, 14, 15, and 20, be under the direct immediate supervision of a licensed hunter who
 - (A) is 16 years of age or older and has successfully completed a certified hunter education course; or
 - (B) was born on or before January 1, 1986

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would require all hunters 12 years of age or older to successfully complete a hunter education course prior to hunting and hunters under 12 years of age would need to be accompanied by someone who has successfully completed a hunter education course.

Individuals who fail to complete hunter education would be charged under the statute for failing to do so.

BACKGROUND: Hunter education was established in Alaska in 1973 and since then over 50,000 students have received their hunter education certification. Bowhunter education, muzzleloader education, and crossbow education have also become part of the certification courses offered by the ADF&G Hunter Information and Training (HIT) Program. All instruction has been done by HIT Program staff (8 employees) and volunteers, with a current volunteer instructor base of close to 500 instructors statewide.

Prior to August 2002, the hunter education certification was not required for hunters wishing to hunt in Alaska, except for those using the Anchorage Coastal Wildlife Refuge and the Mendenhall Wetlands State Game Refuge – both of which are waterfowl-oriented hunts, and for black bear and small game hunts in the Eagle River Management Area. In 1997, the Alaska Board of Game (BOG) passed regulations requiring hunter education certification for young hunters hunting in Game Management Units (GMUs) 7, 13, 14, 15, and 20. These regulations took effect in August 2002.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not address a biological concern.

While the department is in favor of certification courses to educate hunters and decrease firearm incidents, the sheer size of Alaska would make it extremely difficult to reach every hunter 12 years of age or older especially in rural Alaska. There is strong evidence that hunter education has been successful in other states and Alaska at reducing firearm incidents, wounding loss, and

hunting violations. The HIT Program therefore intends to continue developing, promoting, and offering certification courses to interested Alaskans. The current regulations require hunter education for road accessible areas that are heavily populated, and thus have more of a chance for a firearm incident to occur.

Should this proposal be adopted, the department recommends that implementation be postponed in order for ADF&G to develop a budget plan and for HIT Program staff and volunteers to offer courses throughout Alaska prior to the effective date of the regulation.

COST ANALYSIS: Adoption of this proposal would result in significant additional costs to the department to pay for HIT Program staff and volunteers to travel to every village and city in Alaska to deliver hunter education classes, in addition to purchasing additional equipment to be used during the hunter education course. The department currently spends the maximum allowed allocation of Pittman-Roberts funds for hunter education, and as a result will be unable to use additional federal funding for this project.

PROPOSAL 61 – 5 AAC 92.029. Permit for possessing live game. Add Lesser Hedgehog Tenrec to the list of animals allowed to be possessed without a permit.

PROPOSED BY: Billie Wilder

WHAT WOULD THE PROPOSAL DO? Add the lesser hedgehog tenrec (*Echinops telfairi*) species to the clean list.

WHAT ARE THE CURRENT REGULATIONS? (a) Except as otherwise provided in this chapter, or in [AS 16](#), no person may possess, import, release, export, or assist in importing, releasing, or exporting, live game, unless the person holds a possession permit issued by the department. (b) The following species, not including a hybrid of a game animal and a species listed in this subsection, may be possessed, imported, exported, bought, sold, or traded without a permit from the department but may not be released into the wild:

Common Name	Scientific Name
Dog	<i>Canis familiaris</i>
Cat	<i>Felis catus</i>
Sheep	<i>Ovis aries</i>
Goat	<i>Capra hircus</i>
Cattle	<i>Bos taurus</i>
Oxen	<i>Bos spp.</i>
Horse	<i>Equus caballus</i>
Guinea pig	<i>Cavia porcellus</i>
Reindeer (except feral reindeer)	<i>Rangifer tarandus</i> Var.
Llama	<i>Lama peruana</i>
Alpaca	<i>Lama pacos</i>
One-humped camel	<i>Camelus dromedarius</i>

Ass	<i>Equus asinus</i> Var.
Mule	<i>Equus asinus</i> x <i>caballus</i>
Swine	<i>Sus scrofa</i> Var.
European ferret	<i>Mustela putorius furo</i>
European rabbit	<i>Oryctolagus cuniculus</i> Var.
White rat	<i>Rattus norvegicus</i> Var. <i>albinus</i>
Mice: white, waltzing, singing, shaker, piebald	<i>Mus musculus</i> Var.
Fat-tailed gerbil	<i>Pachyuromys duprasi</i>
Gerbil	<i>Gerbillus</i> spp.
Hamster (golden)	<i>Mesocricetus auratus</i>
Chinchilla	<i>Chinchilla laniger</i>
Cavy	<i>Cavia aperea</i>
Hedgehog, African Pygmy	<i>Erinaceus albiventris</i>
Chicken	<i>Gallus gallus</i> Var.
Pigeon	<i>Columia livia</i> Var.
Any Turkey species	Subfamily <i>Meleagridinae</i>
Any Pheasant, Junglefowl or <i>Coturnix</i> species	Subfamily <i>Phasianidae</i>
Any Guineafowl species	Subfamily <i>Numidinae</i>
Canary	<i>Serinus canaria</i> Var.
Parrot, parakeet, cockatiel, macaw, and other members of the Family <i>Psittacidae</i> not prohibited by federal or international law	Family <i>Psittacidae</i>
Toucan	Family <i>Ramphastidae</i>
Any New World Quail species (including Bobwhite)	Subfamily <i>Odontophoridae</i>
Mynah	<i>Acridotheres</i> spp.
Any Peafowl species	<i>Pavo</i> spp.
Any duck, goose, swan, or other migratory waterfowl which the U.S. Fish and Wildlife Service determines does not require a federal permit for private ownership	
Chukar partridge	<i>Alectoris chukar</i>
Button "quail"	Family <i>Turnicidae</i> in the order <i>Gruiformes</i>
Any nonvenomous reptile (crocodile, alligator, snake, turtle, or lizard)	Class <i>Reptilia</i>
Members of the bird families <i>Fringillidae</i> , <i>Turdidae</i> , <i>Zosteripidae</i> ,	

Pycnonotidae, Timaliidae, and Ploceidae of non- Holarctic origin.

Members of the bird families

Columbidae and *Trogonidae* of non- nearctic origin.

Elk (except feral and wild elk)	(<i>Cervus elaphus</i>)
Bison (except feral and wild bison)	(<i>Bison bison</i>)
Muskoxen (except feral and wild muskoxen)	(<i>Ovibos moschatus</i>)

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Lesser hedgehog tenrecs would be allowed as a pet within the state of Alaska.

BACKGROUND: The lesser hedgehog tenrec (tenrec; *Echinops telfairi*) is native to Madagascar and some parts of Africa; therefore, it would not survive in Alaska if released. Tenrecs are insectivores, nocturnal, and have a cloaca; they would not be able to cause genetic alterations to species indigenous to Alaska. There are no known disease concerns associated with the tenrec. Tenrecs go into torpor in cold weather, which would result in difficulty maintaining the animal in healthy conditions in Alaska. They have spines (modified hairs), and when threatened, they will either curl into a tight ball and raise its spines or charge the attacker and try to bite. Tenrecs are an IUCN Red List Threatened Species; allowing the tenrec as a pet in Alaska would encourage the pet trade in threatened species.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Tenrecs are a threatened species and existing board regulations state animals that present a conservation concern in the species’ native habitat outside of this state will be removed from the clean list. Putting them on the list would result in their immediate removal from the list unless the board chooses to amend 5 AAC 92.029(i) as well as adding tenrecs to 5 AAC 92.029(b). Allowing tenrecs to be added to 5 AAC 92.029(b) would be a direct contradiction with 5 AAC 92.029(i).

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 62 – 5 AAC 92.029. Permit for possessing live game. Allow the release of sterilized, feral cats into the wild.

PROPOSED BY: Mojo’s Hope /Alaska’s KAAATs

WHAT WOULD THE PROPOSAL DO? Allow the release of sterilized feral cats to the wild.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.029. Permit for possessing live game. (a) Except as otherwise provided in this chapter, or in [AS 16](#), no person may possess, import, release, export, or assist in importing, releasing, or exporting, live game, unless the person holds a

possession permit issued by the department. (b) The following species, not including a hybrid of a game animal and a species listed in this subsection, may be possessed, imported, exported, bought, sold, or traded without a permit from the department but may not be released into the wild:

Common Name	Scientific Name
...	
Cat	<i>Felis catus</i>
...	

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Sterilized feral cats could legally be released to the wild.

BACKGROUND: Trap-Neuter-Release (TNR) programs are implemented throughout the US, often at the municipality level, in an effort to stabilize or reduce feral/community cat populations as an alternative to the trap/euthanize option. Proponents of TNR programs argue that this option is cost-efficient, sustainable, and a humane alternative for managing feral cat colonies by increasing the number of neutered cats, decreasing unwanted litters, reducing shelter and animal control costs, and increasing vaccination rates of cats.

The American Association of Wildlife Veterinarians (AAWV), American Society of Mammalogists (ASM), and many in the scientific community oppose TNR programs. Repeated studies show TNR programs are ineffective at controlling feral cat populations; one study calculated between 71-94% of cats in a single feral colony would need to be neutered for the program to be effective, but this percentage of sterilization has rarely been achieved. While TNR programs vaccinate cats during the trap/neuter process, they do not address that effective vaccination of an animal requires multiple booster shots throughout the duration of the animal's life. Feral cats that become trap shy will be extremely hard to recapture and administer additional doses to.

Disease risks associated with feral cats pose threats to public health. Cats can carry rabies, toxoplasmosis, cat bite cellulitis, cat-scratch disease, cutaneous larva migrans (hookworms), visceral larva migrans (roundworms), and fleas (and flea-borne diseases). These diseases can be transmitted to humans through direct contact with the animal (scratch/bite) or through the environment (fecal contamination of dirt). If contracted, human symptoms from these diseases range from mild infection to death. Toxoplasmosis alone has been linked to many human diseases/disorders, including Parkinson's, autism, schizophrenia, Alzheimer's, psychosis, suicide, and personality changes. Additionally, feral cat colonies can serve as a disease-vector for other animals, such as raccoons, opossums, coyotes, foxes, and others, that are attracted to the available food source.

ADF&G and other government agencies are charged with the management, conservation, and preservation of native flora and fauna. Multiple scientific studies have shown feral cats kill millions of wild birds and small mammals annually, while others studies have shown that cats

have an innate behavior to hunt; this does not change based on cat ownership, vaccination, reproductive potential, or on the availability of food. One study in particular showed the native bird and rodent diversity was significantly lower near a feral cat colony than in a similar habitat without the presence of feral cats.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. In addition to the public health concerns, feral cats kill millions of wild birds and small mammals annually.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 63 – 5 AAC 92.029. Permit for possessing live game. Prohibit the release of feral or stray domesticated cats into the wild.

PROPOSED BY: Frederick Minshall

WHAT WOULD THE PROPOSAL DO? Ban Trap-Neuter-Release programs and prohibit feeding and maintaining unconfined cat colonies.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 92.029. Permit for possessing live game. (a) Except as otherwise provided in this chapter, or in [AS 16](#), no person may possess, import, release, export, or assist in importing, releasing, or exporting, live game, unless the person holds a possession permit issued by the department. (b) The following species, not including a hybrid of a game animal and a species listed in this subsection, may be possessed, imported, exported, bought, sold, or traded without a permit from the department but may not be released into the wild... (d) Under this section, and in accordance with the definition of “game” in AS 16.05.940 (which includes feral domestic animals), a (1) game animal defined as deleterious exotic wildlife or nonindigenous gallinaceous bird is feral if the animal is not under direct control of an owner, including being confined in a cage or other physical structure, or being restrained on a leash; the commissioner may capture, destroy, or dispose of any feral deleterious exotic wildlife or feral nonindigenous gallinaceous bird in an appropriate manner.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Releasing and feeding feral cats, and maintaining feral cat colonies, would explicitly be prohibited under regulation.

BACKGROUND: Trap-Neuter-Release (TNR) programs are implemented throughout the US, often at the municipality level, in an effort to stabilize or reduce feral/community cat populations as an alternative to the trap/ethanize option. Proponents of TNR programs argue that this option is cost-efficient, sustainable, and a humane alternative for managing feral cat colonies by increasing the number of neutered cats, decreasing unwanted litters, reducing shelter and animal control costs, and increasing vaccination rates of cats.

The American Association of Wildlife Veterinarians (AAWV), American Society of Mammalogists (ASM), and many in the scientific community oppose TNR programs. Repeated

studies show TNR programs are ineffective at controlling feral cat populations; one study calculated between 71-94% of cats in a single feral colony would need to be neutered for the program to be effective, but this percentage of sterilization has rarely been achieved. While TNR programs vaccinate cats during the trap/neuter process, they do not address that effective vaccination of an animal requires multiple booster shots throughout the duration of the animal's life. Feral cats that become trap shy will be extremely hard to recapture and administer additional doses to.

Disease risks associated with feral cats pose threats to public health. Cats can carry rabies, toxoplasmosis, cat bite cellulitis, cat-scratch disease, cutaneous larva migrans (hookworms), visceral larva migrans (roundworms), and fleas (and flea-borne diseases). These diseases can be transmitted to humans through direct contact with the animal (scratch/bite) or through the environment (fecal contamination of dirt). If contracted, human symptoms from these diseases range from mild infection to death. Toxoplasmosis alone has been linked to many human diseases/disorders, including Parkinson's, autism, schizophrenia, Alzheimer's, psychosis, suicide, and personality changes. Additionally, feral cat colonies can serve as a disease-vector for other animals, such as raccoons, opossums, coyotes, foxes, and others, that are attracted to the available food source.

ADF&G and other government agencies are charged with the management, conservation, and preservation of native flora and fauna. Multiple scientific studies have shown feral cats kill millions of wild birds and small mammals annually, while others studies have shown that cats have an innate behavior to hunt; this does not change based on cat ownership, vaccination, reproductive potential, or on the availability of food. One study in particular showed the native bird and rodent diversity was significantly lower near a feral cat colony than in a similar habitat without the presence of feral cats.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The release of any animal to the wild is currently prohibited under existing regulation.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 64 – 5 AAC 92.029. Permit for possessing live game. Eliminate domestic sheep (*Ovis aries*) and goats (*Capra hircus*) from the “Clean List” and require a permit for possession with stipulations if located within 15 air miles of all sheep habitat.

PROPOSED BY: Alaska Wild Sheep Foundation

WHAT WOULD THE PROPOSAL DO? The proposal seeks to remove domestic sheep (*Ovis aries*) and goats (*Capra hircus*) from the “clean list” of animals that can be possessed without a permit. It would result in regulating the ownership and/or possession of domestic sheep and

goats by requiring a permit for anyone owning, transporting, or otherwise possessing domestic sheep or goats in Alaska with stipulation if located within 15 air miles of Dall sheep habitat.

WHAT ARE THE CURRENT REGULATIONS? AS 16.05.940. Definitions (19) Game means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, furbearers or other categories considered essential for carrying out the intention and purposes of AS 16.05-AS 16.40.

5 AAC 92.05.029(b) The following species, not including a hybrid of a game animal and a species listed in this subsection, may be possessed, imported, exported, bought, sold, or traded without a permit from the department but may be released into the wild:

Common Name	Scientific Name
- <i>Includes</i> -	
Sheep	<i>Ovis aries</i>
Goat	<i>Capra hircus</i>

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Eliminate domestic sheep and goats from the clean list and require a permit for possession with stipulation if located within 15 air miles of any Dall sheep habitat. It would restrict the ability of domestic sheep and goat owners, producers, and others to possess, transport, import, export, sell, and/or otherwise have or move these animals for personal use or commercial purposes. It is important to note that the board does not have the statutory authority to regulate domestic animals.

BACKGROUND: This proposal was brought forward by the Alaska Wild Sheep Foundation in 2016 in order to protect Dall sheep, mountain goats, and muskox from the risk of disease transmission from domestic sheep or goats. It was recognized at that meeting that the Board of Game has no direct authority over the management or regulation (including health requirements) of domestic sheep and goats. After hearing testimony from the public including several livestock producers at the statewide meeting in 2016, the Board tabled the proposal to be reconsidered at this meeting. There have been efforts since that time to have agency staff, organizations, and sheep / goat growers to meet and come up with strategies and alternatives to manage and / or mitigate the identification or spread of disease that may affect wild sheep, mountain goats, or muskox. There has been some progress regarding this effort although it is mostly limited to some producers coming forward to voluntarily having their animals tested for the presence of *Mycoplasma Ovipneumoniae*, bacteria of the family Pasteurellaceae, and other pathogens associated with population-level respiratory disease events in bighorn sheep. To date, there have been no comprehensive solutions brought forward to effectively mitigate the potential risk of exposure to Dall sheep from domestic sheep disease pathogens in Alaska.

DEPARTMENT COMMENTS: The Department recommends to **TAKE NO ACTION** on this proposal. This proposal would not provide protection of wildlife unless there were considerations for health screening or other measures that would reduce or eliminate the risk of exposure to disease or related causative agents. Board of Game authority is limited to wild game and feral animals and does not include regulation of domestic animals.

COST ANALYSIS: Adoption of this proposal would not result in additional cost for the department.

PROPOSAL 65 – 5 AAC 85.025. Hunting seasons and bag limits for caribou; and 92.510. Areas closed to hunting. Close an area ¼ mile on either side of the Taylor Highway to caribou hunting during caribou season and limit the number of Fortymile caribou permits.

PROPOSED BY: David Likins

WHAT WOULD THE PROPOSAL DO? The proposal seeks to establish a ½ mile corridor (1/4 mile on either side of the road) along the Taylor Highway and the Boundary Cutoff Road that would be closed to Fortymile caribou hunting under the fall RC860 Registration Permit. The proposal would also limit number of permits available in this area. At a minimum, the proponent recommends establishing the corridor between the Walker Fork Bridge (MP 82) and the Alder Creek Bridge (MP 115.4) and along the Boundary Cutoff.

In a written comment submitted to the board, the proponent has clarified that the proposal was intended to apply only to caribou. Hunting for all other game species would be unaffected by this proposal.

WHAT ARE THE CURRENT REGULATIONS? Under the fall Fortymile Caribou Registration Hunt (RC860), hunters along the Taylor Highway (Zone 3) are allowed to hunt caribou on public land immediately off the road surface along the entire length of the Taylor Highway and the Boundary Cutoff Road when the season is open. However, hunters are not allowed to shoot on, from, or across the highway. When large numbers of Fortymile caribou cross these roads, the department has discretionary permit authority [5 AAC 92.052 (7)] to close portions of the hunt area by emergency order to prevent overharvest. At the advice of the Board of Game, the department implemented this closed area using its discretionary authority during the fall of 2017; however, at the time this analysis was written this corridor remains untested as few caribou were present in the area.

The board has made a positive customary and traditional use finding for Fortymile herd caribou in Units 12, 20D, 20E and 25C with an amount reasonably necessary for subsistence uses of 350–400 caribou.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Fortymile caribou hunters participating in the RC860 fall caribou registration hunt would not be allowed to hunt caribou within a ½ mile (1/4 mile on either side of the road) corridor along the Taylor Highway and the Boundary Cutoff Road.

BACKGROUND: This proposal was originally submitted for the 2017 Interior/Northeast Arctic Region Meeting in Fairbanks as Proposal 86 and was deferred after deliberations to the November 2017 Statewide meeting in Anchorage. On the advice of the Board of Game, a closed corridor was implemented through discretionary permit authority during the fall 2017 Fortymile caribou hunt. At the time this analysis was written, this corridor remained untested, as few caribou were present in the area by September 1, 2017.

Harvest management of the Fortymile Herd is guided by the *2012–2018 Fortymile Caribou Herd Harvest Plan* (harvest plan) that was developed by the Fortymile Harvest Management Coalition (HMC), which included representatives of the Anchorage, Central, Delta, Eagle, Fairbanks, Matanuska Valley, and Upper Tanana/Fortymile Fish and Game Advisory Committees, and the Eastern Interior Regional (Federal) Subsistence Advisory Council in cooperation with the Yukon Fish and Wildlife Management Board, Yukon Department of Environment, Yukon First Nations, Bureau of Land Management, and the Alaska Department of Fish and Game. Management provisions specific to Alaska were developed by the Alaska delegates of the coalition.

The HMC will meet in October 2017. Prior to October 2017, the HMC recommended the following options for managing situations where large numbers of caribou congregated near, or crossed, roads (including the Taylor Highway and Boundary Cutoff Road). The options are presented with those most preferred listed first.

- Temporary closures and openings in specific drainages or clearly specified areas. These would include management tools such as establishing subzones, temporary openings, delayed openings, and patterned openings, e.g., Sundays through Wednesdays.
- Limited registration for state winter hunts that could include various options, including: telephone, on-line, checkstation, ADF&G office access to registration permits on a first come, first served basis. Other ideas include multiple permit periods for different hunt dates so that hunters could enter specified areas at specified times. Up to 20% of the remaining winter zone quota could be allocated to this hunt, not to exceed 25 permits per hunt period.

In addition to specifying options for management of harvest during road crossings, the HMC also recognized that “*when large numbers of caribou are crossing major roads, such as the Taylor or Steese Highways, special hunt management provisions are needed to avoid the possibility of exceeding harvest quotas and to minimize public safety concerns*” (*2012–2018 Fortymile Caribou Herd Harvest Plan*, page 15). The department has been successful using such delayed hunt openings and hunt closures to maintain harvest within, or close to, the annual quota as outlined in the harvest plan. However, the HMC did not develop recommendations to address

specific allocation, enforcement or safety issues such as those outlined by the author of this proposal.

In recent decades, department staff observed many of the same hunter activities identified by the proponent, including:

- Hunters driving ATVs on highways at high speeds (>30 mph)
- Hunters shooting into groups of caribou from the edge of the highway, including groups running and at distances beyond 300 yards.
- Hunters shooting parallel to roads at caribou in the ditches along the road.
- Blood pools and gut piles on roadways, the shoulder of roads and in turnouts along roads.
- Garbage and animal remains left at camping locations along the roadways.

The current harvest plan is scheduled to expire in June 2019. The department plans to begin working with the HMC in 2017 to develop a revised herd harvest management plan that will be presented to the board before the expiration date so that the new plan would be in place for the RY19 hunting season. The issues identified by the proponent will be shared with the HMC during the development of the revised harvest plan. The department and the HMC hope to have additional information to bring to the Board of Game meeting in November.

DEPARTMENT COMMENTS: The department is **NEUTRAL** regarding this proposal because it seeks to address allocation and safety issues. If the board wishes, the department can continue to implement this corridor through discretionary permit authority to test its usefulness before the next regularly scheduled Region III board meeting. At the advice of the Board of Game, the closed corridor was implemented through discretionary authority during the fall of 2017, however at the time this analysis was written few caribou were present and as a result the corridor remains untested.

If the board intends to adopt this proposal, the department recommends amending it to clarify that the area is only closed to the take of caribou, not all species. Because it would be a permanent part of the hunt area, this proposal would result in a reduction of Fortymile herd caribou hunting opportunity; therefore, the board may wish to consider whether implementing the restrictions outlined in this proposal would continue to provide a reasonable opportunity for subsistence uses.

COST ANALYSIS: Adoption of this proposal would not result in significant costs to the department.

PROPOSAL 66 – 5 AAC 92.005. Policy for changing board agenda. Update the Board of Game’s regulation for accepting agenda change requests to make it more consistent with the Joint Board Petition Policy.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? The proposal would update the board’s regulations for accepting agenda change requests (ACRs) to make it more consistent with the Joint Board Petition Policy. “Conservation purpose or reason” would be replaced with “biological”. ACRs could be accepted when available harvest would otherwise be lost. The proposal would also change the date ACRs are due to November 1st of each year, and specifies that if the board accepts one ACR on a subject, all ACRs for those regulations will be in front of the board in the form of proposals.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.005. Policy for changing board agenda. (a) The Board of Game (board) may change the board's schedule for considering proposed regulatory changes in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) an agenda change request must be to consider a proposed regulatory change outside the board's published schedule and must specify the change proposed and the reason the proposed change should be considered out of sequence. An agenda change request is not intended to address proposals that could have been submitted by the deadline scheduled for submitting proposals;

(2) the board will accept an agenda change request only

(A) for a conservation purpose or reason;

(B) to correct an error in a regulation; or

(C) to correct an effect of a regulation that was unforeseen when a regulation was adopted;

(3) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;

(4) a request must be received by the executive director of the boards support section at least 60 days before the first regularly scheduled meeting of that year;

(5) if one or more agenda change requests have been timely submitted, the board shall meet to review the requests within 30 days following the submittal deadline in subsection (4), and may meet telephonically for this purpose.

(b) The board may change the board's schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal agencies, programs, or laws.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, these changes would ensure that the full public process is employed whenever possible and fewer proposals would be addressed out of cycle. The public would benefit from being able to speak to changes in their area during the normal cycle. The public would also have a better understanding of when ACRs are appropriate.

BACKGROUND: The existing criteria for ACRs are vague which results in inconsistency in the acceptance and denial of requests. In particular, the term “conservation” can be broadly defined to include just about any agenda change request. Taking up proposals outside of the normal cycle short cuts the public process and results in less input by advisory committees and the general public. Accordingly, ACRs should be used sparingly and the criteria for acceptance should be clear and narrow.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal to ensure that the full Board of Game process for public input and comment is used for all proposals that do not need to be addressed out of cycle.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 67 – 5 AAC 92.003 Hunter education and orientation requirements; 92.012. Licenses and tags; 92.039. Permit for taking wolves using aircraft; 92.044. Permit for hunting bear with the use of bait or scent lures; 92.052. Discretionary permit hunt conditions and procedures; 92.072. Community subsistence harvest hunt area and permit conditions; 92.130. Restrictions to bag limit; and 5 AAC 92.530, Management areas. To comply with recent statutory changes to review and update regulations with minimum hunting age requirements. To comply with recent statutory changes, review and update regulations with minimum hunting age requirements to bring the regulations into compliance with statute.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? The proposal identifies all the places in regulation with existing age requirements that may or may not be in alignment with statutes given the passage of HB137.

WHAT ARE THE CURRENT REGULATIONS? See proposal.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted as written all age 16 regulations will change to age 18.

BACKGROUND: HB137 was effective January 1, 2017 and it changed the minimum age requirement for Alaskans from 16 to 18, necessitating a review of the board’s existing age specific regulations. Not all of the age specific regulations were driven by the license requirement, which is why the department submitted this proposal for the board to individually address all regulations instead of dealing with them in one broad action. HB137 also allowed Alaskans to proxy hunt on behalf of developmentally disabled Alaskans. This piece was inadvertently left out of the original proposal.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal with **AMENDMENTS** to evaluate existing age requirements and bring regulations into alignment with recent statutory changes. The department also recommends the board amend 5 AAC 92.011 to allow resident hunters to proxy hunt for developmentally disabled Alaskans as outlined in statute, which is also a change as a result of HB137 but was inadvertently omitted from the original proposal.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 68 – 5 AAC 92.XXX. Create a new regulation to allow season openings and increased hunting opportunities in-season by emergency order.

PROPOSED BY: Dave Lyon

WHAT WOULD THE PROPOSAL DO? The proposal seeks to create a regulation that would allow the department to open or increase hunting opportunities in-season based on best available science when additional harvest can be supported.

WHAT ARE THE CURRENT REGULATIONS? N/A.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the department would have another tool to open hunts or increase hunting opportunities without board action.

BACKGROUND: The department currently uses all available tools to open hunting seasons or increase harvest in-season. These come in the form of emergency orders issued under the authority of the commissioner, discretionary permit authority to issue additional permits or to open hunts entirely. When necessary the department also submits agenda change requests and/or petitions the board to allow for increased harvest when all other avenues have been exhausted.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it does not believe the existing regulations prohibit active in season management.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.

PROPOSAL 69 – 5 AAC 92.003. Hunter education and orientation requirements.

PROPOSED BY: Homer Fish and Game Advisory Committee

WHAT WOULD THE PROPOSAL DO? The proposal seeks to require all moose hunters participating in hunts with antler restrictions to watch a video on judging moose antlers prior to hunting.

WHAT ARE THE CURRENT REGULATIONS? This regulation currently exists in Units 7 and 15 only.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted all moose hunters participating in hunts with antler restrictions would be required to watch a video on judging moose antlers prior to hunting moose.

BACKGROUND: Current regulations require antlers to be sealed in portions of Units 7 and 15, this went into effect in Regulatory Year 2011 as a way to address concern over an increase in number of illegal kills. The original regulation was set to sunset after two years, at which time the board revisited the subject and decided to make the sealing requirement a permanent regulation. At the February 2017 Board of Game (board) meeting, the board adopted additional regulations for Units 7 and 15 which required all hunters to complete a moose hunter orientation prior to hunting. Even though this orientation is only required for Units 7 and 15, the orientation is suited for accurately judging moose antlers statewide. This regulation went into effect July 1, 2017 and at this time we have no data to show if this reduced illegal take. Hunters are not required to carry proof of completion of the orientation with them in the field, and hunters are required to take the orientation once per lifetime.

DEPARTMENT COMMENTS: The department is **NETURAL** on this proposal because it does not address a biological concern. This proposal would pose an unnecessary imposition to hunters in areas where there is not the same level of concern for the population as there was in Units 7 and 15.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.
