

PROPOSAL 144

5 AAC 92.029. Permit for possessing live game.

Exempt “sterilized community cats” from the list of species prohibited from being released into the wild as follows:

This proposal is a request to change Alaska Administrative Code Number **5 AAC 92.029, Permit for Possessing Live Game** (<http://www.legis.state.ak.us/basis/aac.asp#5.92.029>). Specifically, I am requesting that **5 AAC 92.029** be changed to exempt “sterilized community cats” (under Cats/*Felis catus*) from the list of species who are prohibited from being released into the wild.

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
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.
...	

According to the current regulation, Section (i) it is stated that the board will remove a species from the list in (b) of this section, if there is a preponderance of evidence that the species:

- (1) is capable of surviving in the wild in Alaska;
- (2) is capable of causing a genetic alteration of a species that is indigenous to Alaska;
- (3) is capable of causing a significant reduction in the population of a species that is indigenous to Alaska;
- (4) is capable of transmitting a disease to a species that is indigenous to Alaska;
- (5) otherwise presents a threat to the health or population of a species that is indigenous to Alaska;
- (6) is captured from the wild for use as a pet;
- (7) presents a conservation concern in the species' native habitat outside of this state;
- (8) cannot be reasonably maintained in good health in private ownership; or
- (9) presents a likelihood that concerns about, or threats to human health and safety will lead to

adverse consequences to captive animals.

Based upon this section, there is evidence to suggest that cats: (1) is (are) capable of surviving in the wild in Alaska and (6) is captured from the wild for use as a pet.

What is the issue you would like the board to address and why? My name is Shannon Basner, a constituent living in Anchorage and I am submitting this proposal to the Alaska Board of Game. I am a special education teacher in the Anchorage School District working in a self-contained behavior classroom. I have taught in New York and Alaska for 25 years collectively. I am also the founder of Mojo's Hope, a nonprofit organization that rescues, rehabilitates, and re-homes animals with special needs, and provides a loving, peaceful environment through our PAWspice program for those who may be at the end of their life (<http://mojoshope.org/>); Alaska Kitty Advocacy Awareness Adoption Tails (KAAATs), a non-profit organization that promotes advocacy, awareness, and adoptions of cats (<http://www.pawprintshowlsandpurrs.org/alaska-s-kaaats>); and Paw-Prints, Howls and Purrs, a purrtography business (<http://www.pawprintshowlsandpurrs.org/>, specializing in cat photography). In addition, I am an Associate Certified Cat Behavior Consultant through The International Association of Animal Behavior Consultants specializing in cats with specific behavior needs, such as being fearful, shy, introverted or unsocialized primarily in the shelter or foster environment, with the goal of shaping behaviors so animals are comfortable with themselves, their new environments and if possible, potential adopters. I am also certified as a Pet Loss and Bereavement Counselor through the Association for Pet Loss and Bereavement.

Local Community Cat Information:

Over the past several years, we have monitored the website for Anchorage Animal Care and Control (AACC). AACC is the only open admissions shelter in the Anchorage municipality and the place most people bring cats they have trapped. The actual number of stray cats without a live outcome is not exact due to lack of transparency of the local AACC. We have offered guidance and support for the community regarding trapping, but we are bound by the current regulation. The muni website provides us with the location of the cats being trapped and we follow the outcome to the best of our ability. While this is just a snapshot into the number of community cats in our community, indications are many are coming from the same area of town in clusters and do not have a live outcome. Typically they fail their behavioral evaluation, which would be avoided if this regulation was lifted. These cats are able to thrive outdoors, but are caught by people who may not have an understanding of how to truly help them. There is strong evidence to show, with time and thorough rehabilitation, they can also be adopted into wonderful homes.

The following data has been collected over the past seven months. I am unable to track all of the incoming cats, but I collected what I could from the AACC website based upon the area of town and the number of incoming cats. The number of cats euthanized for behavior is very high and could have been avoided if the regulation was lifted.

Anchorage Animal Care and Control (AACC) cat collection intake and animal outcomes:

AACC Running List of Cats			
157367	adopted	253564	adopted
251137	euthanized-b	253601	adopted
251138	euthanized-b	253602	adopted
251227	returned to owner	253603	adopted
198263	adopted	253699	euthanized-b
251136	euthanized-b	253716	euthanized-b
251280	adopted	253722	euthanized-b
251281	adopted	253726	euthanized-b
		215667	claimed
251339	adopted	253753	available
251359	euthanized-medical	254449	euthanized-b
251371	euthanized-b	254459	not-evaluated
251376	euthanized-b	254450	euthanized-b
251383	euthanized URI	Twinkle	euthanized-b
251508	euthanized	254508	euthanized-b
	Simon got adopted 10/9/19 came from Tudor and Arctic		
251853		254481	euthanized-b
251860	euthanized-b	254581	euthanized-b
251885	euthanized uri	254618	euthanized-b
251886	euthanized-b	106487	claimed
251889	euthanized-disease	254468	euthanized-m
251890	euthanized-disease	254625	euthanized-b
251891	euthanized URI	254628	euthanized-b
251894	euthanized-medical	254647	euthanized-b
251895	euthanized-medical	254673	adoption
251897	euthanized-URI	254674	euthanized-b
251969	euthanized-URI	254692	euthanized-b
251970	euthanized-B	254693	euthanized-b
251974	euthanized-b	254694	adopted
251976	adopted	254696	adopted
251979	euthanized URI	254763	euthanized-b
252169	claimed	254765	euthanized-b
252182	claimed	254843	euthanized-m
252186	euthanized-b	254844	adopted
252201	euthanized-b	254902	euthanized-b
252284	euthanized-b	254925	euthanized-b
252302	claimed	254956	claimed
252331	euthanized-b	254961	euthanized-b
252362	euthanized-b	254973	adopted: Pepper
252388	euthanized-b	254975	euthanized-b
252410	euthanized-b	255001	adopted
252431	euthanized-b	255018	adopted
252504	euthanized-b	255019	euthanized-b
252577	euthanized-b	255074	euthanized-b
252587	9/10/2019-euthanized b	255885	euthanized-m
252588	9/10/2019-euthanized-b		
252723	9/10/2019-euthanized-b		
252756	adopted		
252865	euthanized-b		
252933	euthanized-b		
252979	adopted		
253179	found report		
253192	euthanized-b		
253219	euthanized-b		
253220	euthanized-b		
253262	euthanized-b		
253543	adopted		
253559	euthanized-b		
253568	euthanized-b		
253699	euthanized-b		
253716	euthanized-b		
253722	euthanized-b		
253726	euthanized-b		

Working with AACC, Mojo’s Hope has helped rescue, rehabilitate, and rehome over 35 cats in one isolated area. Most of these cats were either trapped or caught, then vetted, spayed/neutered, rehabilitated, and rehomed. The others that were “friendly” on intake went to AACC to be adopted. The ones we didn’t bring to the shelter would not have had a live outcome due to their extreme shy natures. Because of a positive foster home, and with time and patience, they were able to find loving homes and become a family pet.

Another rescue’s efforts tracked a colony over a 15-month time period. They were initially able to trap 27 cats and in the next phase trapped the remaining 22. Out of the 49 cats trapped, two died due to illness, 20 were transferred to other rescues for adoption and 22 stayed with that rescue for vetting, spay/neuter, rehabilitation and later adoption.

In another area of town 16 cats were trapped, 15 of which were rehabilitated and adopted; one was returned to site.

Another area of town, 24 cats were trapped, all were vetted, spayed/neutered and out of the 24, 19 went up for adoption and five were returned to site.

Below is the annual data from AACC from 2017-2020. This data is available on their website. http://www.muni.org/Departments/health/Admin/animal_control/Pages/AnnualStatistics.aspx Paper copies of this data can be found at the customer service desk of AACC, but you must go into the shelter to access the information. They have monthly meetings with the community and share the data, however on their social media presence they do not share all of it . The data that AACC collects does not differentiate between strays and the owner surrenders for no live outcome.

ANCHORAGE ANIMAL CARE AND CONTROL
4711 Elmore Rd. Anchorage, Alaska 99507
(907) 343-8122

For the Month Of December, 2017

Animal Intakes And Outcomes

INTAKES	CATS	DOGS	OTHER	MONTH	YTD
Impounds	4	6	0	10	146
Protective Custody	1	7	0	8	98
Truck Stray	12	19	0	31	611
Office Stray	46	54	1	101	1896
Owner Surrendered	39	29	69	137	1398
Returned	1	2	0	3	108
Owner Request Euthanasia	6	13	0	19	263
Total Intakes	109	130	70	309	4520

OUTCOMES	CATS	DOGS	OTHER	MONTH	YTD
Adopted	96	60	50	206	2024
Claimed	6	54	0	60	1184
Owner Request Euthanasia	6	14	0	20	271
Died	0	1	0	1	36
Missing	0	0	0	0	0
Released To Wild	0	0	0	0	0
Transfer	0	0	0	0	2
Euthanized	24	6	16	46	649
Feral	0	0	0	0	11
Dead On Arrival	9	8	0	17	331
Total Outcomes	141	143	66	350	4497

	CATS	DOGS	OTHER	MONTH	YTD
Total Intakes	109	130	70	309	4520
Total Dead-On-Arrival	9	8	0	17	331
Total Live Animals Received	100	122	70	292	4189

	CATS	DOGS	OTHER	MONTH	YTD
Percent Claimed	11%	69%	0%	45%	53%
Percent Adopted	109%	109%	71%	109%	76%

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For the Month Of December, 2018

Animal Intakes And Outcomes

INTAKES	CATS	DOGS	OTHER	MONTH	YTD
Impounds	3	9	1	13	189
Protective Custody	0	13	0	13	92
Truck Stray	24	25	1	50	716
Office Stray	51	57	9	117	1978
Owner Surrendered	26	43	29	98	1425
Returned	2	6	0	8	122
Owner Request Euthanasia	7	17	0	24	228
Total Intakes	113	170	40	323	4750

OUTCOMES	CATS	DOGS	OTHER	MONTH	YTD
Adopted	77	61	26	164	2169
Claimed	19	78	0	97	1211
Owner Request Euthanasia	9	17	0	26	242
Died	1	0	0	1	28
Missing	0	0	0	0	0
Released To Wild	0	0	0	0	0
Transfer	0	0	0	0	0
Euthanized	28	15	18	61	772
Feral	1	0	0	1	15
Dead On Arrival	4	7	0	11	314
Total Outcomes	138	178	44	360	4736

	CATS	DOGS	OTHER	MONTH	YTD
Total Intakes	113	170	40	323	4750
Total Dead-On-Arrival	4	7	0	11	314
Total Live Animals Received	109	163	40	312	4436

	CATS	DOGS	OTHER	MONTH	YTD
Percent Claimed	26%	80%	0%	57%	49%
Percent Adopted	93%	89%	65%	91%	72%

ANCHORAGE ANIMAL CARE AND CONTROL

4711 Elmore Rd. Anchorage, Alaska 99507

(907) 343-8122

For the Month Of December, 2019

Animal Intakes And Outcomes

INTAKES	CATS	DOGS	OTHER	MONTH	YTD
Impounds	1	17	0	18	185
Protective Custody	3	3	0	6	81
Truck Stray	13	18	7	38	682
Office Stray	70	60	6	136	2358
Owner Surrendered	40	52	48	140	1499
Returned	2	4	0	6	149
Owner Request Euthanasia	7	8	0	15	214
Total Intakes	136	162	61	359	5168

OUTCOMES	CATS	DOGS	OTHER	MONTH	YTD
Adopted	76	54	49	179	2285
Claimed	18	69	0	87	1423
Owner Request Euthanasia	7	11	0	18	225
Died	6	1	1	8	40
Missing	0	0	0	0	0
Released To Wild	0	0	0	0	2
Transfer	0	0	0	0	3
Euthanized	24	15	11	50	824
Feral	1	0	0	1	12
Dead On Arrival	6	10	0	16	342
Total Outcomes	137	160	61	358	5144

	CATS	DOGS	OTHER	MONTH	YTD
Total Intakes	136	162	61	359	5168
Total Dead-On-Arrival	6	10	0	16	342
Total Live Animals Received	130	152	61	343	4826

	CATS	DOGS	OTHER	MONTH	YTD
Percent Claimed	22%	78%	0%	51%	51%
Percent Adopted	72%	70%	80%	71%	72%

Additional benefits of removing the barrier to the regulation:

By removing the current regulatory barrier we can move towards implementing Trap-Neuter-Return (TNR) programs to manage community cat populations.

Management of Community Cats

Community cats are unowned, free-roaming cats who live outdoors. These cats may have been born in the wild, or they may be lost or abandoned pets. Most community cats are not socialized to people (i.e., feral cats), so they are unable to adjust to living indoors. If community cats are brought to an animal shelter, they experience intense suffering due to the stress of being confined and their fear of people. As a result, virtually all community cats are killed since they are not suitable for adoption. Therefore, the term “community cats” reflects the reality that for these cats, “home” is within the community rather than in an individual household.

Local governments may explore strategies to manage their municipality’s community cat population for a variety of reasons, including reducing animal control and shelter costs, stabilizing the number of cats living outdoors, and reducing nuisance complaints. They have three options

1. **Trap-And-Remove (i.e., Catch-and-Kill):** Cats are trapped, brought to a shelter, and, because most are not socialized to people and are unadoptable, killed. Any remaining cats in the area quickly breed to capacity, or new cats move in to take advantage of the newly available resources.
2. **Trap-Neuter-Return (TNR):** Cats are humanely trapped, spayed or neutered, vaccinated, ear-tipped, and returned to their outdoor home where they will continue to live while keeping newcomers at bay. Over time, TNR stabilizes or reduces community cat populations by stopping the breeding cycle and preventing unwanted litters of kittens.
3. **Do Nothing:** Cats continue to live outdoors without being spayed or neutered, vaccinated, or provided veterinary care if injured or sick. As a result, community cat populations are not managed, public health and resident concerns are not addressed, and animal welfare implications are not considered.

Why the Regulation Is Being Proposed:

Alaska has a large population of community cats, yet the current Alaska Department of Fish and Game regulations allow only one option to manage them: Catch-and-Kill. Along with giving Alaska’s local governments, shelters, residents, and animals a second option: Trap-Neuter-Return (TNR), cats fit the criteria for being removed from the current list under section (i) for numbers (1) and (6). The methods of catch and kill are not reducing the population and also has hindered the process of rehabilitating those with adoption possibilities.

TNR is recognized worldwide as the most effective, sustainable, and humane approach to community cat management. Cities and shelters across America have stopped using the Catch-and-Kill approach because it is expensive, time-consuming, and ineffective. Today, over 650 municipalities have adopted a TNR ordinance or policy, and thousands more welcome the

TNR efforts of citizens. This regulation change is being proposed so communities in Alaska can legally implement a TNR program to manage their community cats.

Please see the Appendix for case studies on how TNR has transformed communities across the country, and key scientific studies that demonstrate the effectiveness of TNR programs.

There are residents and animal rescue groups who want to practice TNR in Alaska for the health and wellbeing of community cats. For example, one rescue group receives requests to trap feral cats and kittens approximately two to three times a month (sometimes higher in the summer). Since TNR is illegal, they must limit their actions to kittens who are young enough to be socialized and cats who are most likely domesticated strays. When the group explains the limited options for most of these community cats, finders are typically unwilling to trap the cats/kittens and take them to AACC to be killed. The good news is this group regularly traps, sterilizes, and vaccinates cats and kittens who are good candidates for socialization and adoption, which does help reduce the number of breeding cats in the community. The bad news is that cats and kittens who are not capable of being socialized and adopted cannot be sterilized and vaccinated because it is illegal to return them to their outdoor homes. This group continues to look forward to a time when they no longer must deny assistance to the many concerned residents who want to help *all* community cats.

My organization, Mojo's Hope, is interested in working alongside other local nonprofits to implement a TNR program in Anchorage. In March 2014, I began a dialogue with our local animal control about the effectiveness of TNR. I presented case studies, informational packets, and statistics on the impact of such programs in the lower 48. It was at this time that we discovered regulation **5 AAC 92.029** creates a barrier to TNR. Our TNR program entails humanely trapping community cats and transporting them to a veterinary clinic where they are spayed or neutered, vaccinated, and ear-tipped, which involves removing the tip of the cat's left ear, indicating he or she has been sterilized and vaccinated. Based on an assessment by the veterinary team and a cat behaviorist, healthy feral cats are then returned to their outdoor home and healthy socialized cats are brought to the local open admissions shelter or one of the local rescue groups for rehabilitation and adoption. We will work to educate the community about these community cats and respond to questions about the program and the cats. Our goal is to help the community cats of Anchorage live happy and healthy lives, mitigate concerns in the community, and help our animal control officers and shelter personnel focus their resources on animals in need.

Further Benefits Why the Regulation Change Should Be Adopted

The proposed change to Alaska Administrative Code **Number 5 AAC 92.029, Permit for Possessing Live Game**, should be adopted to give local municipalities the opportunity to experience the many benefits of Trap-Neuter-Return (TNR).

TNR stabilizes or reduces community cat populations by:

- Increasing the number of cats who are spayed or neutered
- Decreasing the number of unwanted litters

TNR helps local governments and shelters save money by:

- Decreasing shelter intakes

- Every animal impounded at a shelter requires expenses for housing, sanitation, comfort, medical care, and, especially for community cats, euthanasia. Once a shelter stops taking in feral cats, and their population is stabilized or reduced, fewer animals enter the shelter and fewer expenses are incurred.
- Decreasing shelter disease and euthanasia rates
- Crowded conditions and stress increase incidences of shelter disease, especially upper respiratory infections (URI). For many shelter animals, health deterioration due to preventable illnesses results in euthanasia. When shelter intakes decrease due to TNR, more space and medical resources are available, fewer animals become sick, and fewer animals are euthanized.
- Increasing shelter save rates
- As TNR reduces the strain on a shelter's financial and physical resources and personnel, more resources are available for adoptable and special needs pets. Rather than euthanize for space, behavior, or health issues, all animals are given the best opportunity to lead happy and healthy lives.
- Increasing shelter employee morale
 - There is a growing understanding of the negative impact animal euthanasia has on the mental health and morale of shelter employees and volunteers. When they no longer bear the burden of euthanizing healthy community cats simply because they are not socialized to people, shelters save money through reduced employee turnover rates, time away from work, and worker's compensation claims.

TNR benefits local communities by:

- Increasing community support
 - When local governments and shelters support TNR, residents receive a clear message that the humane treatment of animals is a priority, and the community is transformed. Elected officials garner more support because they have addressed community concerns. Shelters grow their volunteer network because they have improved working conditions, services, and morale. Animal control officers improve their relationship with the public because they are saving more lives.
 - Decreasing nuisance complaints
 - Most cat-related complaints to animal control are due to behaviors and stresses associated with mating and pregnancies, such as yowling, roaming, and fighting. When community cats are spayed or neutered, these behaviors and stress patterns stop, complaints are reduced, and animal control officers save time (and taxpayers' dollars) by responding to fewer calls.
 - Increasing vaccination rates
 - Vaccinations are an integral component of TNR programs, which protect the

health of individual cats and reduce the disease burden in the community.

- TNR programs are often the number one provider of rabies vaccinations.

Please see the Appendix for more information on how TNR benefits public health.

In conclusion, the proposed change to Alaska Administrative Code Number 5 AAC 92.029, Permit for Possessing Live Game, should be adopted because cats fit the criteria for items (1) and (6) in section (i) and that TNR is sound public policy.

What Would Happen if the Regulation Is Not Changed?

If the proposed change to **Alaska Administrative Code Number 5 AAC 92.029, Permit for Possessing Live Game**, is not adopted, Alaska's local governments, shelters, and residents will continue to be limited to only one option to manage community cats: Catch-and-Kill. The purpose of this proposal is to remove the regulatory barrier to Trap-Neuter-Return (TNR) so Alaska's communities have a second option to manage community cat populations. The change will not impact the authority of municipalities to develop programs and policies that best fit their needs. In fact, this regulatory change will support the discretion of municipalities by allowing them to choose whether TNR is right for them.

CASE STUDIES OF SUCCESSFUL TNR PROGRAMS

Below are examples of communities across the country that have been transformed by Trap-Neuter-Return (TNR) programs!

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ALBUQUERQUE, NEW MEXICO

When Jim Ludwick joined the city's Animal Welfare Department in 2007, he realized several thousand cats were being euthanized each year without any evidence it successfully controlled the community cat population. Per Ludwick, "It was adding to crowding in our catteries, at a time when crowding was a major contributing factor in the suffering and death of domestic, adoptable house cats at the shelters." In 2008, the city began covering the cost for community cat spay and neuter at clinics organized by New Mexico Animal Friends, a local nonprofit organization. Four years later, Ludwick reported that the shelter's intake of cats was down 24 percent and the euthanasia rate for cats was down 72 percent. As of July 2016, the city's animal intake is down from more than 27,000 nearly a decade ago, to less than 18,000 now.

[xx]

ARLINGTON, VIRGINIA

In 2009, Arlington County approved a countywide TNR program. The decision came after years of trapping and killing community cats resulted in a continued increase of cat populations, nuisance calls, and euthanasia rates. The shelter performed spay and neuter surgeries at no cost to the public, started a foster kitten program, loaned humane traps for TNR, organized community training workshops, and stopped euthanizing feral cats. Six years later, cat-related nuisance complaints decreased 94 percent, total cat intake decreased 30 percent, and total cat euthanasia decreased 73 percent. Shelter staff morale improved and animal control officers developed positive relationships with community cat caregivers. Susan Sherman, COO of the Animal Welfare League of Arlington, the county's animal control shelter, says, "I have been surprised that almost every resident who has complained about feral cats has chosen to participate in TNR once they understand it."

BUCKS COUNTY, PENNSYLVANIA

In late 2015, the Bucks County Municipal Government brought in animal organizations Animal Lifeline and Red Rover to initiate a TNR program in Core Creek Park, where a population of nearly 500 community cats lived. The goal was to achieve zero cats in 10 years. Animal Lifeline and Red Rover united officials, shelters, rescues, donors, and volunteers for a TNR effort that began in April 2016. Within 10 days of the start of the program, 465 cats and kittens were trapped and spayed or neutered. Over half of those were found to be adoptable, and the 169 cats who were returned to the park now live in a safe environment with trained caregivers. The project also put in place strict measures to prevent additional cats from being abandoned in Core Creek Park. Since the 10-day TNR program ended, only one new cat and a few kittens have been found in the park. Over 80 percent of the park’s cats are estimated to have been neutered, which means the colony numbers will decline. The Core Creek Park project shows that even large-scale TNR can be done over a short time period.

Appendix

The appendix, references, and additional information submitted with the proposal are available on the Board’s proposal book webpage at www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposalbook or by contacting the ADF&G Boards Support Section at 465-6046.

PROPOSED BY: Shannon Basner

(HQ-F20-029)
