



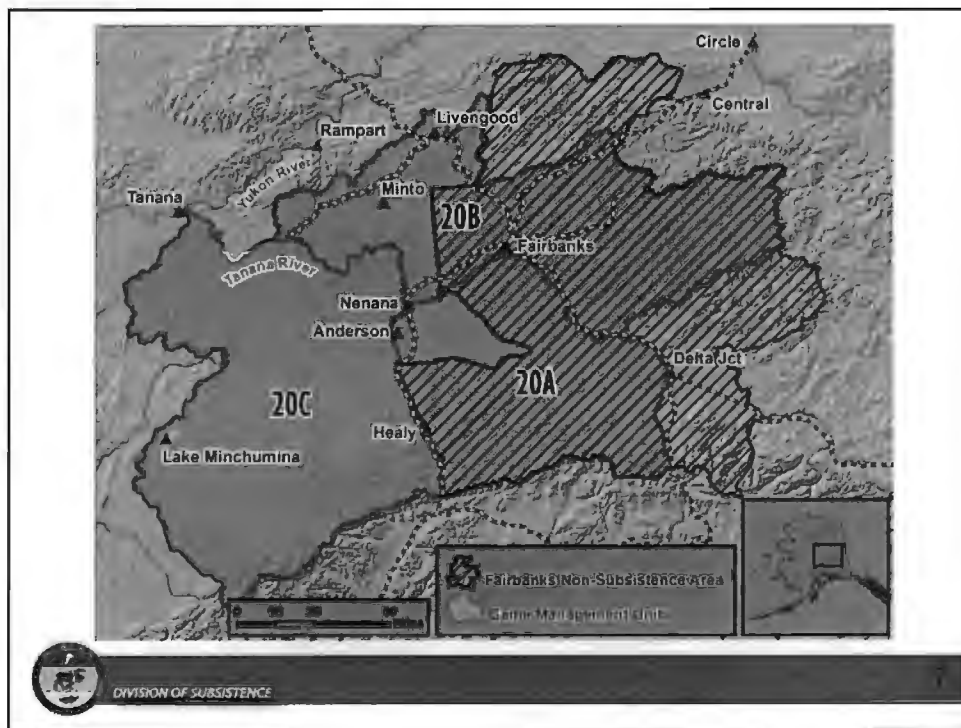
DIVISION OF SUBSISTENCE

Customary and Traditional Use Worksheet, Brown Bear in GMUs 20A, 20B, and 20C

for consideration of Proposals 232 & 236
5 AAC 92.085 & 5 AAC 85.020

Prepared for the Alaska Board of Game
March 2012

RC 4 Tab 6



DIVISION OF SUBSISTENCE

Criterion 1: Length and Consistency of Use

- 2 patterns of use in GMUs 20A, 20B, and 20C:
 - trophy hunters using boats and aircraft specifically hunting brown bear
 - subsistence hunters with limited hunting on brown bears because of cultural values and preference for black bears

Brown bear harvests in GMUs 20A, 20B, and 20C, 1992-2011 average

	20A	20B	20C
AK Residents	9 (2)	8 (7)	4 (2)

() denotes harvest by unit residents



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Criterion 2: Seasonality

- Available year round but harvested primarily in spring, summer, and fall opportunistically with other subsistence activities.
 - Tanana (20C): July, August, Sept, and Oct
 - Minchumina (20C): Nov and Dec while trapping
 - Minto (20B): May, Aug, and Sept
- Current regulations:
 - 20A and 20B - 1 brown bear per RY between Sept. 1 and May 31
 - 20C - 1 brown bear per RY between Aug 10 and June 30



DIVISION OF SUBSISTENCE

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Criterion 3: Methods and Means of Use

- Winter denning
- Using lances and spears to harvest bears in spring when bears were occupied with squirrels
- Firearms



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Criterion 4: Geographic Areas

- Historical hunting: Salcha band hunted brown bears in Alaska Range between Dry Creek and Little Delta River (20A and B); Wood River band used area from Tanana River to Alaska Range east of Nenana River (20A); Nenana-Toklat band used area around Nenana River west (20A and C)
- Contemporary hunting (1987): Yanert Valley and hills to the north (McKinley); north of Healy River to Anderson (Healy and Anderson-Clear); Kantishna drainage (Minchumina)



DIVISION OF SUBSISTENCE

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**Criterion 5:
Means of Handling, Preparing,
Preserving, and Storing**

- Bear fat mixed with berries served as specialty food and used in making fried bread
- Hides used as bedding, insulation, and in making waterproof footwear
- Bones were used for tools



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**Criterion 6:
Intergenerational Transmission
of Knowledge, Skills, Values, and
Lore**

- Knowledge of hunting skills, such as bear denning and the location of bear dens, is shared within the context of multi-generational households, common in Minto and Nenana.



DIVISION OF SUBSISTENCE

Criterion 7: Distribution and Exchange

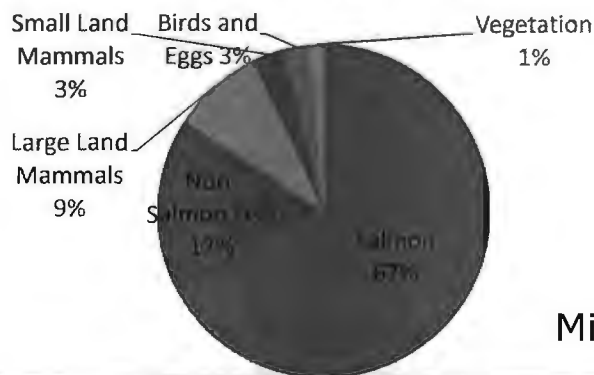
- 1987: 3.1% of McKinley households reported receiving brown bears; 1.2% of Healy households reported using brown bears (Wolfe, n.d.)
- Generally, wild resources are shared between households, especially those that are related by kinship or social obligation.
- Bear meat and fat is considered a specialty food served at community events.



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Criterion 8: Diversity of Resources in an Area: Economic, Cultural, Social, and Nutritional Elements



Minto 1984



DIVISION OF SUBSISTENCE

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Questions?



DIVISION OF SUBSISTENCE

Proposal 40 Falconry
Allow nonresident take of wild raptors

ADF&G Division of Wildlife Conservation

Staff Report

Deferred from January 2012

- Proposal intent
- Nonresident falconers allowed to capture raptors and transport out of state
- Department recommendation - None - allocation

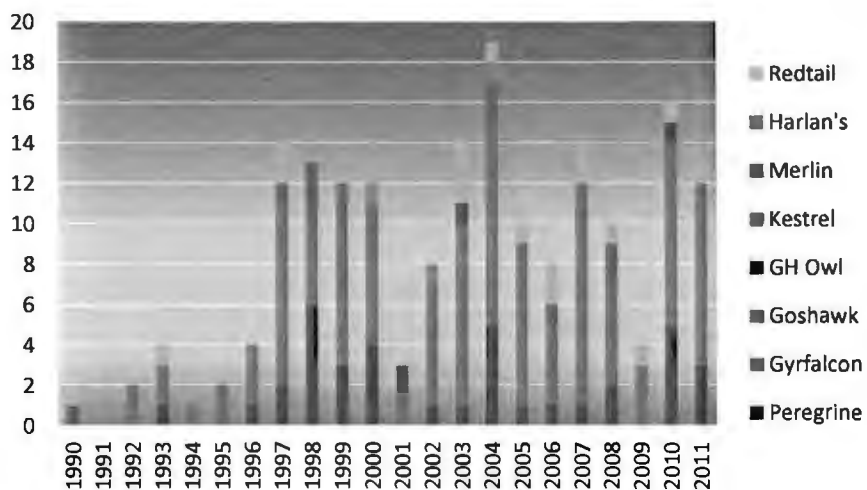
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Proposal 40 Falconry
Allow nonresident take of wild raptors

- Request by Board to prepare "*White Paper*"
- Review relevant biology
- Review management of nonresident take
- Outline BOG general guidance
- Outline suggestions from Alaska Falconers Association
- Combine BOG, Alaska Falconers Assoc and Department into single nonresident take framework

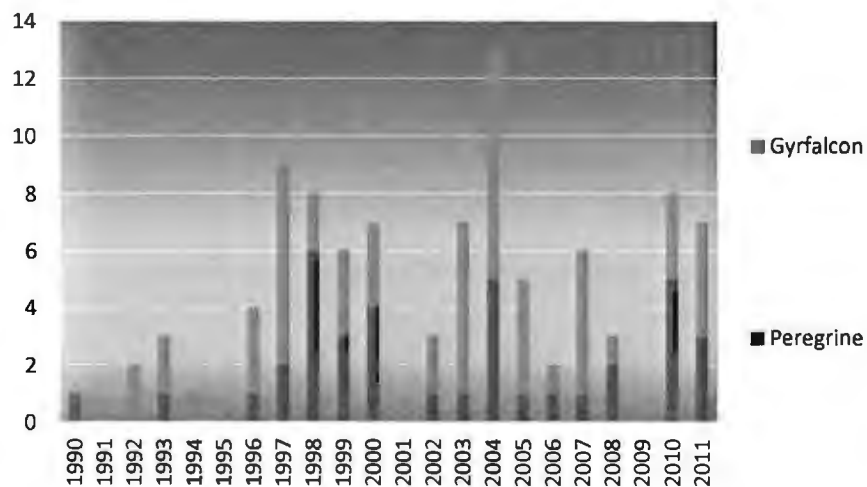
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Falconry birds taken from the wild by year



3

Gyrfalcons and Peregrine falcons taken from the wild by year



4

Definitions

– Eyas – nestling hawk or falcon



– Eyrie – nest site cliff



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Gyrfalcon

- Largest falcon in world
- Three colors
- Northern regions
- Alaska only state with nesting gyrfalcons
- Highly desirable for falconry and breeders
- Taken annually by Alaska falconers



Gyrfalcon

- 400 – 700 pairs in AK
- Nest on cliffs
- About 3-5 taken annually by residents
- Nome road system
- International trade?



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Peregrine Falcon

- Formerly Listed under ESA
- Nests on Cliffs/water
- 3 subspecies in AK
- Peale's falcons may be desirable
- >1,000 nesting pairs in AK







Northern Goshawk

- Forest raptor
- Nests in trees
- Widely distributed
- Numbers vary with grouse and hares
- Approx. 30,000 in AK





Sustained yield and allowable take

- Harvesting at high harvest levels would require significant survey and population data
 - Data not generally available
 - Long-term surveys/monitoring only for
 - Gyrfalcons - Seward Peninsula
 - Peregrine Falcons – e.g., Colville River
 - Northern Goshawks – SE only for 10 years

Sustained yield and allowable take

- Few studies to evaluate effects of harvest on raptors
- FWS conservative harvest rates 1-5%
- Some suggest harvest rates OK at 10% for juveniles
- Adding a harvest of 5 nonresident raptors, of any species, will not require rigorous monitoring

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Developing a Nonresident Take Program

- Nonresidents who are US citizens
- Limit nonresident take to 5 birds annually
~~ 50% of resident take
- Declare species at some point
- Use existing drawing permit system
 - \$5 + nonresident hunting license

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Developing a Nonresident Take Program

- Only take passage raptor
- Take allowed 1 September – 31 December
- Nothing of value to assist with capture – guiding
- Must notify department >30 days before scheduled arrival/trapping
- Check-in/check-out requirements
- Must present state falconry permits, hunting licenses, etc.

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Developing a Nonresident Take Program

- Must file annual report
- Banding requirements and presentation of bird to regional office/area office
- Successful applicant may not apply again for 5 years, even if unsuccessful

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Limit Nonresident take areas??



Proposal 40 - Falconry – Nonresident take of raptors
Report to the Alaska Board of Game
by
Alaska Department of Fish and Game
Division of Wildlife Conservation
March 2012

1. **Background** - At the January 2012 meeting, the Board of Game deliberated on three proposals for falconry. Proposals 38 and 39 were very similar, and these were regulatory changes required for the state of Alaska to meet the federal (US Fish and Wildlife Service) framework for falconry. The Department and the Alaska Falconers Association prepared a single proposal and the Board adopted that amended proposal (along with Alaska Falconry Manual No. 9).

Proposal 40 was deferred to the March 2012 meeting. That proposal was submitted to allow a nonresident take of raptors for falconry. The Department suggested a paper outlining the issues and regulatory framework necessary for a nonresident take. The goal here is to provide additional information that the Board can evaluate and that the public can comment on regarding regulations to allow for nonresident take of raptors for falconry. In addition, there are a number of complicated aspects for the Department's management of nonresident take, based on regulations set forth by the Board. At the January 2012 meeting, the Board suggested that over the next two years the Department could work with Alaska falconers to finalize a nonresident take management system. This would allow time to develop the regulations, understand various permitting and transport requirements, and accommodate any issues between resident and nonresident falconers. The regulation would then be heard again at the next statewide meeting in 2014, albeit out of cycle.

2. **Definitions and jargon** – Below are a few falconry and bird of prey terms that are useful to define. These definitions may differ slightly from those of the US Fish and Wildlife Service
 - a. **Eyas** – a nestling raptor (hawk or falcon)
 - b. **Eyrie** – a cliff site used by a nesting raptor; for species like golden eagles and rough-legged hawks, this includes the ledge and the stick nest they construct; for falcons such as peregrines or gyrfalcons, this includes the nest ledge because falcons don't build an actual nest.
 - c. **Form 3-186A** – a US Fish and Wildlife Service (FWS) form, filed electronically or via paper to the FWS (and ADF&G) that tracks change in status for a falconry

bird. This includes take, transfer (including to another falconer or another state), death or loss of a raptor used in falconry.

- d. **Nestling or eyas take versus passage take-** Nestling/eyas take for most raptors occurs from about day 12-21 of life. These eyas birds are desirable if the goal is to have a bird imprinted to humans.
- e. **Passage** – this refers to a raptor during its first autumn migration; hence it is “on passage”
- f. **Raptor** – A bird of prey – hawk, falcon, eagle, owl.
- g. **Take as related to falconry** – acquiring an approved raptor and reducing it to possession by banding the bird at time of capture.

3. **Raptor population status** – Raptor species population status and numbers across Alaska are largely unknown. Therefore, any additional take should be far below any sustained yield threshold so as to avoid the need to evaluate the impact of take. There are no periodic, large scale surveys for the species likely to be taken for falconry. There is some long-term monitoring of golden eagles, peregrine falcons, and gyrfalcons in localized study areas. Golden eagles have been monitored for >20 years in Denali National Park by National Park Service biologists, peregrine falcons have been monitored on the Colville River by the Fish and Wildlife Service and others for >50 years, and gyrfalcons and other raptors have been monitored on the Seward Peninsula for >10 years by ADF&G staff. Northern goshawks were monitored by ADF&G in Southeast Alaska for about 10 years, but that project ended. With the exception of rigorous monitoring of peregrine falcons when they were listed under the Endangered Species Act, other raptor species studies in Alaska have tended to be short-term.

For the purposes of nonresident take and falconry, the Department is assuming that nonresident take will focus on three species, gyrfalcon, peregrine falcon, and northern goshawk. Therefore, information on these species is summarized below.

Gyrfalcon (*Falco rusticolus*) – The gyrfalcon is the largest falcon species in the world. This species has a circumpolar distribution and it is found nesting in various mountain ranges and cliff type habitat across Alaska, but not in Southeast (Figure 1). Alaska is the only state in the US in which Gyrfalcons breed. Gyrfalcons nest on cliffs. About 400-700 pairs of gyrfalcons nest in Alaska annually. Gyrfalcon population status in Alaska is unknown and numbers of breeding pairs fluctuate based on key prey such as ptarmigan. In addition to being a migratory bird, gyrfalcons are listed in CITES (Convention on International Trade in Endangered Species of Wild Flora and Fauna) Appendix I. In fact all raptors are listed in Appendix I or II of CITES (see transport/import/export below).

Gyrfalcons occur in various color morphs or color phases. There are three primary color morphs, black/dark, grey, and the coveted white gyrfalcon. Few gyrfalcons in Alaska are white, but they do occur. White or lightly colored gyrfalcons are more desirable for raptor breeders and within the international falconry/captive breeding community. They are highly desirable in some Arab countries. If the Board limits the take to Alaska nonresident but USA residents, then this concern should be minimized in terms of the potential for trafficking of this species outside the USA.

Issues associated with nonresident take of gyrfalcons – This species is likely the most desirable species for nonresident take. Gyrfalcons are a desirable species in the western USA and internationally for falconry. They are highly coveted for captive breeding, hybridizing and perhaps for new “genetic stock.” There are various CITES and US Fish and Wildlife Service requirements to transport gyrfalcons across international boundaries. For example, taking a Gyrfalcon from Alaska and transporting it to the lower 48 states may prove difficult if the transport occurs through Canada. The Department presumes that this may be an impediment to transporting not only gyrfalcons, but other raptor species.

Peregrine falcon (*Falco peregrinus*) – This species is widely distributed across the world and it nests across Alaska (Figures 2 – 4) and much of the lower 48 states. Peregrine falcons nest on cliffs. Interest in peregrine falcons by falconers depends on subspecies and there are three subspecies in Alaska. The Arctic peregrine falcon - *tundrius* subspecies occurs from the Brooks Range north and is a long distance migrant wintering in South America (Figure 2). They nest on cliffs above rivers in the Arctic such as the Colville and Sag - along the haul road. The widely distributed American peregrine falcon - *anatum* subspecies nests on cliffs on all of the major river systems in Alaska (Figure 3). American peregrine falcons also migrate to central and south America. Both Arctic and American peregrines can now be harvested by falconers in other states given their recent ESA delisting. There is an autumn harvest program for migrant peregrines along the Texas coast. This peregrine harvest program is set forth by the FWS and the states in a system similar to the flyway system for waterfowl. There are over 1,000 nesting pairs of Arctic and American peregrine falcons in Alaska. They are presumed to have fully recovered to pre-DDT levels and are likely at or near carrying capacity. They are no longer listed under ESA.

Peale's peregrines (*Falco peregrinus pealei*) are the third subspecies that occur in Alaska (Figure 4). They occur primarily on cliff habitat along marine shorelines from Southeast Alaska through the Aleutians. They are most often associated with

seabird nesting areas and they are typically very dark in plumage. They are considered resident/nonmigratory. Discussions with falconers suggest that they may be desirable by nonresident falconers and raptor breeders. The logistics of acquiring a Peale's peregrine are daunting. Few resident falconers have taken nestlings, probably because these falcons nest on large, inaccessible cliffs in a rocky marine environment. The number of Peale's peregrines is unknown, but there are surely 100's of nesting pairs, from Southeast Alaska and down through the Aleutians. They should be considered to be at carrying capacity in terms of any nonresident take. Many Peale's peregrine falcons nest in federal conservation units such as the Alaska Maritime National Wildlife Refuge.

In Canada, the American peregrine falcon is listed under the Species at Risk Act (similar to ESA in the USA). This may have implications for import/export in addition to CITES.

Northern goshawk (*Accipiter gentilis*) – This species is widely distributed across portions of the Northern Hemisphere and occurs widely across all forested portions of Alaska. It also breeds in many of the western and northern states of the lower 48 states. Northern goshawks nest in trees. Populations fluctuate widely based on grouse and hare cycles. This species may be desirable for falconry by nonresidents, even though they may be able to acquire goshawks in their home state. There is a belief that there are "large northern goshawks" across Interior Alaska. Yet, Interior Alaska goshawks are not appreciably larger than those found elsewhere.

There are two goshawk subspecies in Alaska, the widely distributed North American *atricapillus* subspecies and the *laingi* subspecies that is restricted to the old growth rainforests of Southeast Alaska. The *laingi* subspecies is listed under the USA's Endangered Species Act, but only in Canada, and the government of Canada has this subspecies also listed under their Species At Risk law. As such, there may be a number of permitting issues with transporting any live goshawk through Canada back to the USA.

4. Sustained Yield and take of birds for falconry

If there is a desire to harvest raptor populations at something approaching sustained yield, then there is a need to have accurate estimates of population parameters such as reproduction, recruitment, territory fidelity, adult survival, dispersal and nonbreeders in the population. Few if any such data exist over the long term for Alaska raptors. Long term sustained yield of raptors taken for falconry has only had modest scientific investigation by wildlife managers. There are only three or so peer

reviewed publications on the topic. An intensively harvested population of nestling prairie falcons (e.g., about 30%) may have had some adverse effect on some local population parameters, but harvests were considered sustainable. A different publication suggests that healthy peregrine falcon and northern goshawk populations in Europe can sustain the removal of at least 10% of their young. Finally, modeled analyses by biologists from the US Fish and Wildlife Service suggest that available information on species like northern goshawks and peregrine falcons would allow for a harvest rate of up to 5% of the nestling or juveniles. For species without adequate population data, these authors suggested a 1% harvest rate.

Abundance/population size for raptors across Alaska is lacking. In those areas with annual monitoring (e.g., Colville River, Seward Peninsula, Denali National Park) there are indications that at least for cliff nesting raptors (e.g., peregrine falcons, gyrfalcons, rough-legged hawks, golden eagles) abundance is at or near carrying capacity given annual fluctuations, presumably based on prey. Therefore, a combined resident and nonresident harvest of about 15 raptors/year (average of 9-10/year for residents + 5/year for nonresidents) would not jeopardize sustained yield of any raptor species in Alaska.

5. Nonresident raptor take programs in other states

An ad hoc survey of falconry programs in some western states indicates a variety of fees for resident falconers in addition to the requirement to have a hunting license if they are going to hunt their raptor (Table 1). Nearly all states have a specific fee program for nonresidents to harvest a raptor.

6. Developing a nonresident falconry take program for Alaska – At the January 2012 statewide Board of Game meeting, the Board mentioned a few scenarios for nonresident falconry take. These included:

- a. Limiting take to nonresident US citizen who are also residents of other states.
- b. Limiting take to <10 birds/year as a modest approach to initiating the program.

In addition, the Alaska Falconers Association discussed a few additional issues associated with nonresident take. These include, but are not limited to:

- a. Restriction to US citizens.
- b. Limiting take to 5 birds annually. Presumably, the Board/Department would require that the falconer declare the species they desire to acquire.
- c. Nonresident take would be limited to five (5) birds total annually

- d. The Department's existing drawing permit system (\$5 fee) would be used to manage the nonresident applicants.
- e. A nonresident hunting license would be required to apply.
- f. A nonresident may only take a passage raptor.
- g. Nonresident passage raptor take would be allowed from 1 September to 31 December annually
- h. No one may offer or accept anything of value in exchange for raptor guiding service or other activities intended to assist a nonresident in taking a raptor for falconry.

7. Suggested framework for nonresident take

Given general direction from the Board, combined with suggestions from Alaska falconers and Department experience in managing the falconry program, the following draft guidelines are provided.

- a. Restrict to nonresident US citizens.
- b. Limit nonresident take to 5 birds of any species annually. Require the successful drawing permit applicant to submit the necessary falconry permits from their state of residence, hunting license information, etc., in order to finalize their Alaska take permit. The falconer will be required to declare the species they desire to acquire. Alternatively, the Board could allocate permits by species that includes maximum take per species, for example, up to 3 gyrfalcons, 3 peregrine falcons, 4 northern goshawks, and 3 all other species annually.
- c. The Department's existing drawing permit system (\$5 fee) would be used to manage the nonresident applicants; an individual falconer could receive only 1 permit per year.
- d. A nonresident hunting license would be required to apply. The Board would need to specify whether a hunting (\$85 all game) or a nonresident small game (\$20) would be required. Presently the computer systems are developed to handle only the \$85 hunting licenses as linked to the big game drawing hunt systems.
- e. A nonresident may only take a passage raptor.
- f. Nonresident passage raptor take would be allowed from 1 September to 31 December annually
- g. No one may offer or accept anything of value in exchange for raptor guiding service or other activities intended to assist a nonresident in taking a raptor for falconry.

- h. An annual report, like a required drawing hunt report, must be filed by the falconer.
- i. Areas closed to nonresident take of raptors. Specifying closed areas is far more important if an eyas/nestling take is allowed. If the take is limited to passage/migrant raptors, then this is less important. The Board could specify certain closed areas to provide a resident preference. Notable areas include the Nome road system, parts or all of GMU 22, and areas along the Dalton Highway.
- j. A successful applicant must notify both the Department's permit section, and the regional falconry representative at least 30 days before scheduled trapping activities. The permittee must check-in and check-out, in person at the assigned ADF&G – Wildlife Conservation office, before and after trapping activities. The permittee must provide her or his nonresident hunting license, falconry permit or license from her or his home state, written permission from landowners (if required), and any other information the department may require. The Department will then issue the take permit.
- k. If the permittee is successful in trapping a raptor, the bird shall be banded with a locking, non-reusable, black nylon numbered marker band issued in person by the Department upon check-in prior to attempting to capture a raptor.
- l. A successful applicant may not apply for another nonresident take permit for at least five years, whether or not she or he was successful.

8. Important ancillary issues regarding nonresident raptor harvest in Alaska. Trapping of passage birds for falconry –

- a. Take of passage raptors - Given previous Board direction from January 2012, the Department assumes that take will be limited initially to passage birds. At our northern latitude, migration occurs far earlier, similar to waterfowl, shorebirds and virtually the entire avifauna. A period from 1 September – 31 December should allow ample opportunity to trap a passage raptor in Alaska.
- b. Logistics – Logistics of trapping a raptor by nonresidents may be difficult. Preparation will be paramount. However, unlike the many guides, transport services, next of kin, friends, and other ways to prepare for a big game hunt in Alaska, nonresident falconry take will differ. This will be a highly specialized trip and certain equipment will be required. This differs significantly from the lower 48 states where the falconer can take the required equipment (traps, nets, lure birds, kennels, etc.) in the back of a pickup on a 'road trip' to another state where they have acquired a trapping permit, hunting license, etc. While the Department can provide some general information regarding logistics,

nonresident falconers will have to cope with logistics as do other nonresident hunters traveling to Alaska.

- c. Use of lure birds/trapping birds – Passage peregrine falcons and gyrfalcons are most effectively trapped using domestic pigeons using a few methods. There are number of communities in Alaska where species like pigeons and starlings do not exist. Both the Board and the Department have worked hard to avoid the spread of deleterious exotic wildlife from all of Alaska. The Department will notify nonresident falconers about the regulations for species like pigeons and starlings to avoid their spread in Alaska.
- d. Transport of raptors by nonresidents to the lower 48 states - The department presumes that most if not all nonresident falconers traveling to the lower 48 states will fly to Anchorage/Fairbanks and then acquire transportation within Alaska. This has the advantage of avoiding travel through Canada and various FWS and international permit requirements (especially CITES permits). This has the disadvantage that the falconer may have difficulty transporting the necessary traps and equipment. Discussions with FWS suggest that moving a falconry bird from Alaska, through Canada, and back into the US may prove very complicated and permit intensive.

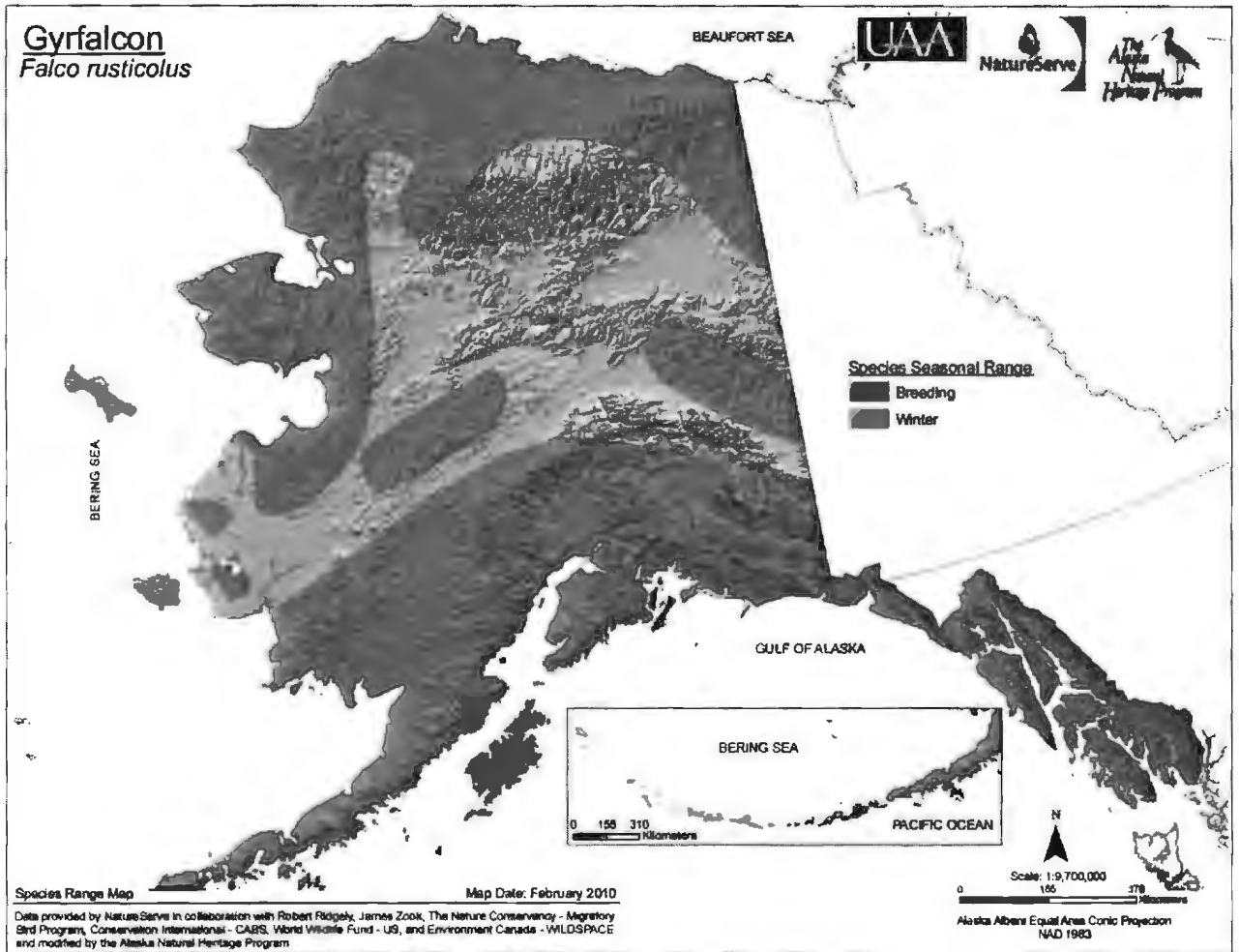


Figure 1. Distribution of the gyrfalcon in Alaska. Map courtesy of the Alaska Natural Heritage Program.

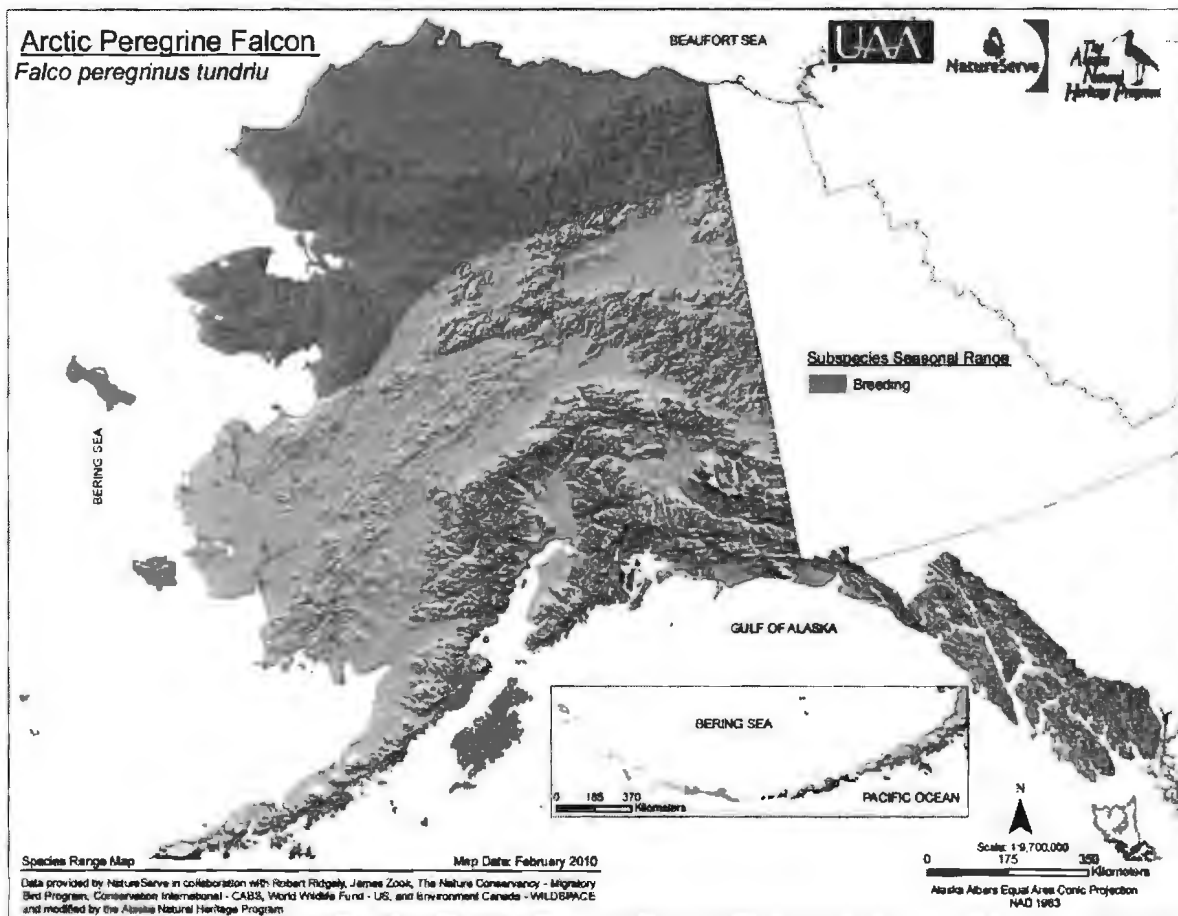


Figure 2. . Distribution of the Arctic peregrine falcon (*Falco peregrinus tundrius*) in Alaska. This subspecies migrates to South America. Map courtesy of the Alaska Natural Heritage Program.



Figure 3. Distribution of the American peregrine falcon (*Falco peregrinus anatum*) in Alaska. This subspecies migrates to central and South America. Map courtesy of the Alaska Natural Heritage Program.

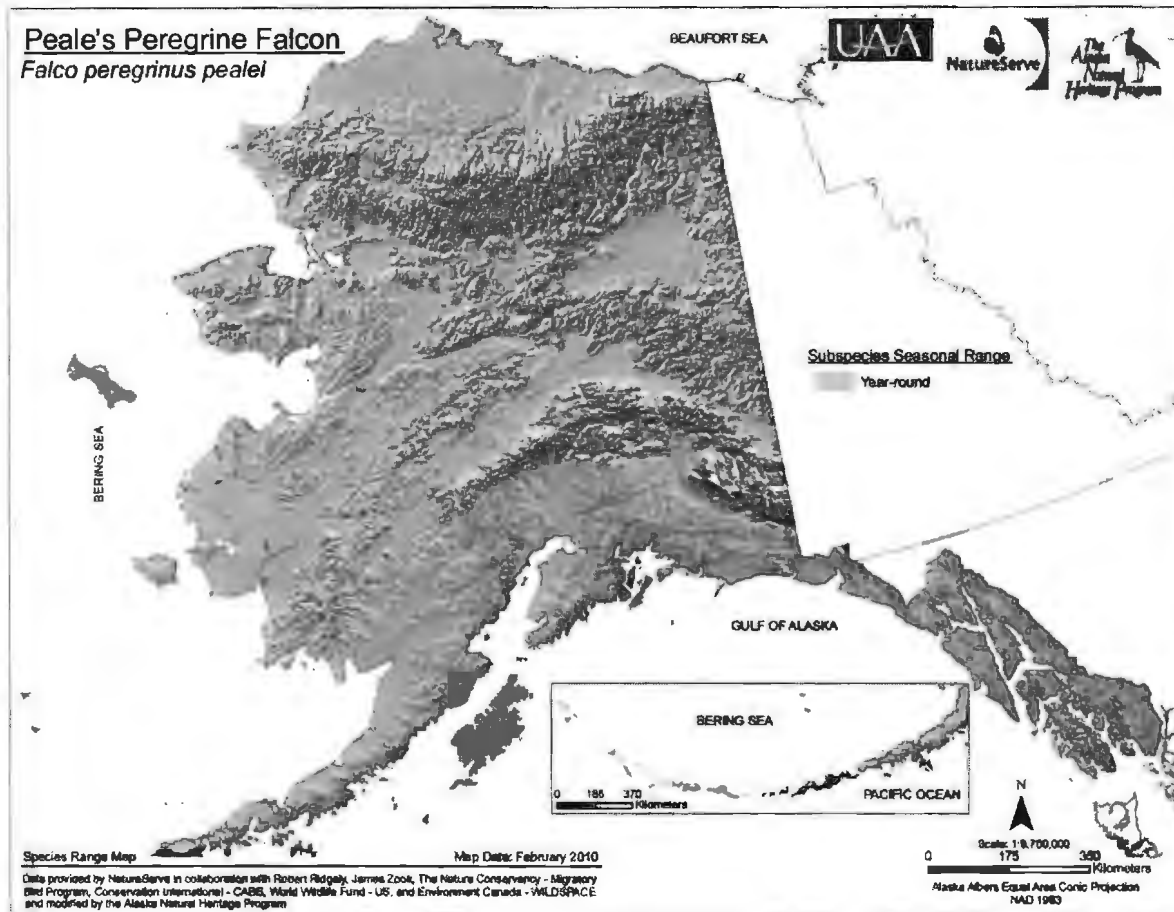


Figure 4. Distribution of the Peale's peregrine falcon (*Falco peregrinus pealei*) in Alaska. This subspecies is considered resident year round. Map courtesy of the Alaska Natural Heritage Program.

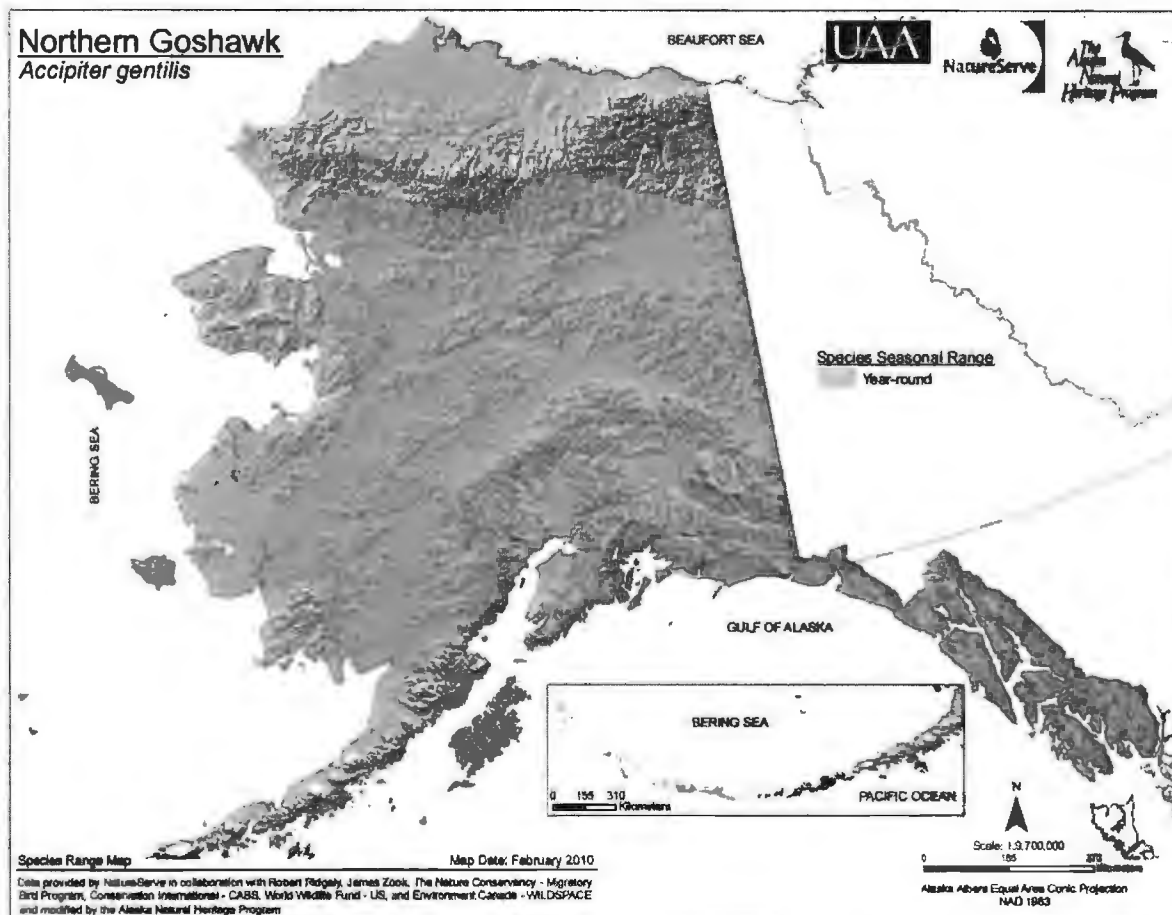


Figure 4. Distribution of the northern goshawk (*Accipiter gentilis*) in Alaska. Northern goshawks are considered partial migrants in Alaska, some birds migrate, others are resident year round. Map courtesy of the Alaska Natural Heritage Program.

Table 1. Examples of falconry fees and nonresident take programs for selected western states. Information accessed via the web, January 2012.

State	Resident Falconry Permit Fee	Nonresident Permit Fee	Nonresident Cost for Falconry	Cost Differ by Species?	Nonresident take allowed	How permits are allocated
Alaska	\$25 hunting license; no permit fee	None	\$20	No	Pending	lottery?
Idaho	\$30 annual falconry permit	\$170 capture fee	\$325	No	Yes	Limited number, by species, given out on a first come basis for non-residents.
	\$13 Hunting license	\$155 hunting license				
California	\$75 annual falconry permit	\$310 capture fee	\$461	No	Yes	no specific allocation set
	\$14 application fee	\$151 hunting license				
	\$44 resident hunting license					
Arizona	\$87 falconry permit every 3 yr	\$87 falconry permit every 3 yr	\$180	No	Yes	For sub-set of species, limited permits available by drawing
	\$32 hunting license	\$151 hunting license				
Washington	free permit	free permit?	\$182?	?	Yes	Special take permit issued by Director, no allocations set
	\$39 hunting license	\$182 hunting license				
Montana	\$125 falconry permit	\$125 falconry permit	\$235	No	Yes	unspecified
	\$8 bird hunting license	\$110 bird hunting license				
Oregon	\$17 capture permit	\$17 capture permit	\$157	No	Yes	no specific allocation set
	\$30 hunting license	\$140 hunting license				
Wyoming	\$16 falconry license	\$242 permit	\$258	No	Yes	apply for permit for all species other than peregrine (appears no resident status preference); Random drawing for 5 peregrine permits annually, 1 for non-resident, 4 for residents
	\$38 permit	\$16 falconry license				

Note: \$100 federal fee will no longer apply after state takes over sole permitting authority

Cliff Judkins, Board of Game Chairman
Lt. Bernard Chastain, Alaska State Troopers,

I am proud of the strides made to clean up the general baiting and other bear hunting regulations for the public. The board has prioritized this issue and I think the decisions will be good.

I have a polar opposite opinion on the guiding subject. Although freeing up the outfitting issue may be a help for some, I think the whole system needed a major revamp. I think the solution is worse than the original problem.

I got a little more heated than I should have during our meeting about the bait guiding situation, I am sorry for that. I am very passionate about bear baiting because it has been a large part of me for more than half my life. I have used it as a method to get many children and wounded Veterans in to the field. It is very frustrating to not be able to continue with these causes that are so important to me.

I have always lost a significant amount of money guiding baited bear hunters; some of this due to charity work but most of it just due to economics. Over the last year or so I have needed to reassess my family and financial situation. I went into this meeting with a vision of what needed to happen to keep me in the business of baited hunting, this appears to have not happened.

I was most frustrated by the answers to many of my questions to Lt. Chastain. I have asked many of these questions before of AWT and had different answers. I have always asked many questions to make sure I was working within the law. The fact that after nearly five years of asking these questions I am still getting different answers and finding new questions should speak volumes about this system. It is not the fault of AWT that there are this many grey areas, it is up to the Board to make very clear regulations.

If it is the intent of the board to allow a guide to only take hunters on ten bait stations, no matter who registers them (friends, clients, others guides) that needs to be made crystal clear. Near the end of the meeting a couple of solutions for more stations were suggested by Board members that would have involved the client registering a station. These suggestions are not practical because the client is usually only present for 4-5 days and must be present to register. This also seems to subvert the intent of the ten bait rule.

Joe Want and Lt. Chastain were right. As bear baiters, we have been forced to work in the grey areas just to make a go of it. Don Duncan stated that he has his clients register a bait site right next to the ones that he has been baiting all spring so he can allow them to hunt without him present. I never thought of this, but it is creative. Outside the intent of the law but possibly inside the letter of the law.

I have often had friends, volunteers, and employees register bait stations. I have testified to this practice for at least four years before the Board with Public Safety Staff present. I have never even been cautioned that this may be a marginal practice until this meeting. This was part of the original argument by the Board used to get the 10 baits in the first place. Every guide that I know that has operated baited hunts has had an assistant register some of the baits.

Lt. Chastain testified that the rule (not a law) surrounding removal of soil would be used only in an extreme case. He then described an extreme case, a practice that looks a whole lot like what nearly every effective bear baiter I know uses. Al Barrett said in the evening meeting that he hauls three drums of grease to his bait station every year and uses it throughout the year. This is well beyond what Lt. Chastain described. I have never used barrels of grease but even a few gallons of grease or other liquid is impossible to remove from the soil and vegetation. If you have a good bait station, the bears will have a hole dug and come occasionally weather there is bait there or not. If it is the intent of the Board that liquids should not be used to avoid soil contamination, please make that regulation. If it is not the intent of the Board to ticket for dirty-dirt, instruct AWT to not enforce it as law. There are plenty of cases where there are piles of trash and actual bait left by slob hunters that Troopers can prosecute.

Most of my long established bait sites have bear tracks in the snow well before any bait is placed in the spring. If the intent is to not have bears attracted to a site, there is no solution. If the intent is to keep trash from being left in the woods and keep people from using bait after the season is closed, that solution seems simple. Bears are site oriented animals and will return to the site no matter how well it is cleaned up. This does not harm the bears.

The first question on my sheet presented Monday night was "Does the Board want to have guided bear baiting?" It seems the answer to this question is NO. Guiding (or Outfitting) in Alaska is a business. Business necessitates profit. In most of Greater Alaska profit is not possible under this system. In remote areas where airplanes are the primary mode of transportation (the ideal places to avoid conflict), this system is not even close to viable as a business activity.

Black bears are an abundant, under used resource in most of our state. It is unfortunate that guides must concentrate on the species more desirable to residents; moose, sheep, caribou, etc., to make a living. I would think it would be in the Board's best interest to do everything they can to expand guided black bear opportunities to take some of the pressure off of the other species, I guess I am wrong.

I need to cancel my one large group of hunters booked for this spring because I can't, in good conscience, offer them a quality hunt. The new guide bait allocation without the use of assistant's baits and AWT interpretations have caused this difficult situation. I had eleven people coming (eight to hunt) and nine of them have already bought plane tickets. This is not a pleasant situation.

There is a system that works. It is used in every other black bear baiting area in North America. It seems to work well in the vast rural areas of Canada and in the densely populated areas of Wisconsin and Minnesota. Sometimes others have much more experience in issues that we Alaskans have. It is OK to use a system that works, but was developed elsewhere. It seems like we, as Alaskans often reject good ideas just because we want to be different.

This is one of these "be careful what you wish for" situations that sometimes bites you in the butt. I guess I started this ball rolling five years ago and got run over by it.

The current and new regulations, and interpretations by AWT must be made clear to the guides. Most do not pay nearly as much attention as I do and I even had a few surprises Monday night. I would suggest a letter to all guides that makes these clear.

Thank you for all of your hard work, it seems that we are on the same team fighting for conservation much more than we are adversaries and I have accepted the outcome of this one.

Sincerely,

Aaron Bloomquist

Proposal 109A**5 AAC 85.015. Hunting seasons and bag limits for black bear.. (a) ...**

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(3)		
Unit 7, that portion south of the city limits of Seward at 60° 04' 58" N lat., and Unit 15, that portion south of Kachemak Creek, Bradley River, and Bradley Lake	No closed season. (General hunt only)	
RESIDENT HUNTERS:		
3 bears		
NONRESIDENT HUNTERS:		No closed season.
1 bear		
Remainder of Units 7 and 15		
RESIDENT HUNTERS:		
3 bears	No closed season. (General hunt only)	
NONRESIDENT HUNTERS:		No closed season.
3 bears		
Units 9, 11 - 13, Remainder of Unit 16, Units 18, 19(B), 19(C), 20 - 24, 25(A), 25(B), 25(C), and 26		
3 bears	No closed season. (General hunt only)	No closed season.
Unit 16(B), that portion within a one-mile radius of the	Sept. 15 - May 31	Sept. 15 - May 31

mouth of Wolverine Creek at
60.80° N. lat., 152.31° W. long.

3 bears

Unit 19(A) and Unit 19(D)

5 bears

No closed season.
(General hunt only)

No closed season.

Unit 14(C)

No closed season.
(General hunt only)

No closed season.

1 bear

Units 14(A) and 14(B)

No closed season.
(General hunt only)

No closed season.

3 bears

Unit 17

[RESIDENT HUNTERS:]

3 [2] bears

No closed season.
[Aug. 1 - May 31]
(General hunt only)

No closed Season.

[NONRESIDENT HUNTERS:]

[1 BEAR]

[AUG. 1 - MAY 31]

Unit 25(D)

RESIDENT HUNTERS:

5 [3] bears; or

No closed season.
(General hunt only)

5 [3] bears per community
harvest report by community
harvest permit in an
established community
harvest area

No closed season.
(Subsistence hunt only)

NONRESIDENT HUNTERS:

3 bears

No closed season.

Changes the Department will make to black bear baiting under authority of 5 AAC 92.052

There will be no changes to Unit 16 predator control area dates.

Align spring seasons:

1A, 1B, a portion of 1D, 2, 3, 5 and 6 April 15 – June 15

7 (except Resurrection Creek and tributaries), April 15 – June 30
 12, 13, 14A, 14B, 15,
 16 (except Denali State Park), 18, 19, 20,
 21, 22, 23, 24 and 25

The Department (Region 4) wishes to discuss spring bear bait seasons for units 9, 11 and 17.

Align fall seasons:

19D predator control area, August 1 – September 30
 24 (within the Koyukuk Controlled Use area),
 21D and 25D

A hunter may bait and hunt another person's site if they have written permission from the person registering the site.

The Department will clarify hunters must remove bait, litter and equipment from the bait station site when hunting is completed. This includes any attractants left at the site.

Proposal 259A

5 AAC 92.150. Evidence of sex and identity.

(d) In those areas where sealing is required, until the hide has been sealed by a representative of the department, no person may possess or transport the hide of a bear that does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(e) In those areas where sealing is required only for the skull, until the skull has been sealed by a representative of the department, no person may possess or transport the meat of a bear that does not have sufficient portions of the external sex organs naturally attached to indicate conclusively the sex of the bear

5 AAC 92.165. Sealing of bear skins and skulls. (a) Sealing is required for

- 1) **Hides and skulls** of brown bear taken in any unit in the state and
- 2) **Hides and skulls** of black bear of any color variation taken in Units 1 - 7, 14(A), 14(C), 15 - 17 and 20(B), from Jan. 1 – May 31, and
- 3) **Skulls of black bear of any color variation taken in Units 1 - 7, 14(A), 14(C), 15 - 17 and 20(B), from June 1 – Dec. 31, and**
- 4) a bear skin or skull before the skin or hide is sold.

A seal must remain on the skin until the tanning process has commenced. A person may not possess or transport the untanned skin or skull of a bear taken in a unit where sealing is required, or export from the state the untanned skin or skull of a bear taken anywhere in the state, unless the skin **or [AND] the skull or both as required** [(IN UNIT 20(B), JUST THE SKULL)] have been sealed by a department representative within 30 days after the taking, or a lesser time if requested by the department, ...

...

(b) A person who possesses a bear taken in a unit where sealing is required for both the skin and the skull shall keep the skin and skull together until a department representative has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; a person who possesses a bear taken in a unit where sealing is required only for the skull shall keep the skull until a department representative has removed a rudimentary premolar tooth from the skull and sealed the skull. The department may require that the skull of the bear be skinned and that the skin and skull not be frozen at the time of sealing.

(c) Except as provided in (a)(7)–(9) and (d) of this section, a person who takes a bear in a unit where sealing is required, must personally present the skin **or [AND] the skull or both as required under (a) of this section;** [(IN UNIT 20(B), JUST THE SKULL)] to a department representative for sealing within 30 days after the taking, or a shorter time if requested by the department, and must sign the sealing certificate at the time of sealing.

(d) A person who takes a bear in a unit where sealing is required, but is unable to present the skin **or [AND] skull or both as required under (a) of this section** in person, [(IN UNIT 20(B), JUST THE SKULL)] must complete and sign a temporary sealing form and ensure that the completed temporary sealing form, along with the bear skin **or [AND] skull or both as**

required under (a) of this section, [(IN UNIT 20(B), JUST THE SKULL)] are presented to a department representative for sealing within 30 days after the taking.

...

5 AAC 92.220. Salvage of game meat, furs, and hides.

(a) Subject to additional requirements in 5 AAC 84 - 5 AAC 85, a person taking game shall salvage the following parts for human use:

(3) from January 1 through May 31, the hide, skull, and edible meat as defined in 5 AAC 92.990, and from June 1 through December 31, **the skull and either the hide or edible meat** [THE HIDE AND SKULL] of a black bear taken in a game management unit in which sealing is required, [AND FROM JUNE 1 - DECEMBER 31, THE SKULL AND EITHER THE HIDE OR EDIBLE MEAT OF A BLACK BEAR TAKEN IN UNIT 20(B)];

(4) from January 1 through May 31, the edible meat, and from June 1 through December 31, either the hide, or the edible meat as defined in 5 AAC 92.990, of a black bear taken in any game management unit in which sealing is not required; however, from June 1 through December 31, the edible meat of a black bear taken 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) must be salvaged.

Proposal 119A**OPTION A****5 AAC 92.044. Permit for hunting black bear with the use of bait or scent lures.**

...

(4) a person may not have more than two bait stations established with bait present at any one time, except that in Units 6, 7, 9, 11, 12, 13, 14(A), 14(B), 15, 16, 17, 19, 20, 21, 24, and 25, a registered guide-outfitter may register up to 10 bait station sites at a time and may either personally or through licensed class-A assistant or assistant guides, establish and maintain those sites simultaneously, if a signed big game commercial services contract is used for each hunter that uses any of the sites;

...

(6) a person may not give or receive remuneration for the use of a bait station, including barter or exchange of goods; however, this paragraph does not apply to **remuneration from a client to a registered guide-outfitter, master guide-outfitter or employee of the contracting guide for providing big game hunting services** [A REGISTERED GUIDE-OUTFITTER, CLASS-A ASSISTANT GUIDE, OR ASSISTANT GUIDE WHO PERSONALLY ACCOMPANIES A CLIENT AT THE BAIT STATION SITE];

...

OR

OPTION B**5 AAC 92.044. Permit for hunting black bear with the use of bait or scent lures.**

...

(4) a person may not establish and operate more than two black bear bait stations with bait present at any one time except that:

(A) A registered guide-outfitter or master guide-outfitter may establish and operate more than two black bear bait stations on behalf of clients who have contracted that guide to provide big game hunting services.

(B) The registered guide-outfitter or master guide-outfitter is responsible for all permit conditions of permits issued to the guide on all clients' behalf.

...

(6) a person may not give or receive remuneration for the use of a bait station, including barter or exchange of goods; however, this paragraph does not apply to **remuneration from a client to a registered guide-outfitter, master guide-outfitter or employee of the contracting guide for providing big game hunting services** [A REGISTERED GUIDE-OUTFITTER, CLASS-A ASSISTANT GUIDE, OR ASSISTANT GUIDE WHO PERSONALLY ACCOMPANIES A CLIENT AT THE BAIT STATION SITE];

...

Proposal 40A. Nonresident take of raptors for falconry.

DRAFT

5 AAC 92.XXX. Nonresident take permits for falconry. (a) A permit and valid, current Alaska big game hunting license is required for taking, transporting, and transferring a raptor to another state's falconry program. The permit will be issued under standards, procedures, and conditions set out in the Nonresident Take Appendix of the *Alaska Falconry Manual* No. 9, dated July 1, 2012; that Nonresident Take Appendix of the falconry manual is hereby adopted by reference.

(b) Up to five permits shall be issued annually by the Department.

(c) The Department's drawing hunt permit system shall be used to determine permit winners and all applicable application rules shall apply. Permits cannot be transferred. Successful applicants are not eligible to apply for a permit again for five years.

(d) Raptor species listed under 5 AAC 92.037 are eligible for nonresident take.

(e) Nonresident US citizens are eligible to apply for a permit.

(f) The annual season for acquiring a raptor is 1 September – 31 December.

(g) The bag limit is one raptor per year.

(h) By 1 August, successful permittees shall notify the Department of their intent to capture a raptor and declare the species they desire to attempt to take.

(i) Check-in, check-out and banding requirements shall be met as specified in the Nonresident Take Appendix.

(j) An annual report, including copies of the US Fish and Wildlife Services 3-186A raptor transfer forms shall be provided to the Department. Failure to report the disposition of the bird will result in FTR action as specified in 5 AAC 92.050.

(k) The Department shall have the discretionary authority to close areas for nonresident take.

(l) If live birds or mammals are to be imported to assist with trapping, all federal and state import requirements shall be met. This includes adherence to 5 AAC 92.029. Deleterious exotic wildlife and species not on the clean list may not be imported to Alaska, and no lure animals shall be released into the wild.

RC
124

Raymond Heuer
Haystack Drive
Fairbanks, AK 99712

PROPOSAL 141

EFFECT OF THE PROPOSAL: Implement black bear trapping regulations.

DEPARTMENT RECOMMENDATION: **No Recommendation**

RATIONALE: This proposal was amended by the Board and deferred to the March 2012 meeting from the March 2010 meeting. The Department considers this a methods and means allocation among users and as such has no recommendation to the Board. In the units included in this proposal for potentially allowing black bear trapping, the Department does not have any conservation concerns for the populations of black bears. To establish seasons and bag for trapping black bears, the Department has reviewed other regulations that may need to be modified and suggested regulatory changes are included below.

If adopted, the Department recommends establishing black bear trapping seasons for residents only. Including nonresidents under trapping seasons adds a degree of complexity and potential complications due to statutory requirements for guides and tags. Currently, nonresidents must purchase a big game tag for each animal they intend to take. If a nonresident purchases a trapping license, the black bear would not be a big game animal, and tags would not be required. In addition, no guiding requirements would apply. These considerations become even more complicated because of incidental take of brown bears during black bear trapping.

The Department also recommends limiting black bear trapping seasons to Units 19A, 19D, 20C, 20E and a portion of Unit 12. We recommend deleting the proposed trapping season in Unit 25D because communications with the local fish and game advisory committee indicate lack of support. Additionally because black bear trapping is already authorized in Unit 16B under the Unit 16 predator control program, the department recommends deferring the Unit 16B portion of this regulation to the next Region IV Board of Game meeting in 2013. This deferral will allow the board to simultaneously consider black bear trapping in Unit 16B along with a proposal to update the Unit 16 predator control program regulations and does not prevent the public from snaring in black bears in the Unit in the interim.

See proposal issue statement for more information.

Seasons and Bag Limits

5 AAC 84.270. Furbearer trapping. Trapping seasons and bag limits for furbearers are as follows:

Units and Bag Limits Open Season Bag limit
(XX) Black Bear

RESIDENTS ONLY

Unit 12, that portion Apr. 15–June 30 No bag limit, by north of the Alaska July 1–Oct. 15 registration permit Highway, and that only; may be closed portion south of by emergency order the Alaska Highway when XX brown within the Tanana bears incidentally River drainage up- taken. stream from but not including the Tok River drainage

RESIDENTS ONLY

Unit 20(C) Apr. 15–June 30 No bag limit, by

Comment [rh1]:
Recommend MAY 15-JUNE 30;
If trapping occurs during this time period it should result in boars being more vulnerable to capture than sows at a ratio of 2-1, due to the boars high frequency of travel during the mating season. This should reduce the number of sows caught.

Comment [h2]:
Recommend MAY 15-JUNE 30;
If trapping occurs during this time period it should result in boars being more vulnerable to capture than sows at a ratio of 2-1, due to the boars high frequency of travel during the mating season. This should reduce the number of sows caught.

July 1–Oct. 15 registration permit only; may be closed by emergency order when XX brown bears incidentally taken.

RESIDENTS ONLY

Unit 20(E) Apr. 15–June 30 No bag limit, by

July 1–Oct. 15 registration only; may be closed by emergency order when XX brown bears incidentally taken.

Statewide Regulations

5 AAC 92.0XX Black bear trapping requirements. Establish a new regulation for black bear trapping requirements.

(a) A person may not trap a black bear with the methods in 5 AAC 92.095, without first obtaining a trapping license and registering with the department.

(b) In addition to any condition that the department may require under 5 AAC 92.051 black bear trapping is subject to the following provisions:

- (1) a person must be at least 16 years of age to trap black bears;
- (2) a person using bait or scent lures shall clearly identify each site with a sign using at least 3" letters reading "black bear bait and bucket footsnare station" that also displays the person's trapping license number, or mark each bucket footsnare with the trapping license number;
- (3) only biodegradable materials may be used as bait; if fish or game is used as bait, only the head, bones, viscera, or skin of legally harvested fish and game may be used;
- (4) a person who uses bait or scent lures must remove bait, litter, and equipment from the site when baiting is completed;
- (5) except in Units 12, 13, 15, 16, 19, 20, 21, a person may not give or receive remuneration for the use of a black bear bait and bucket footsnare station, including barter or exchange of goods; however, this paragraph does not apply to a licensed guide-outfitter who personally accompanies a client at the black bear bait and bucket footsnare station site;
- (6) a person must report to the nearest department office, within five days, the incidental take of any brown bears taken by bucket footsnare or take of any brown/grizzly bear accompanying a brown bear taken by bucket footsnare;
- (7) a person who sets bucket footsnare must check their bucket footsnare a minimum of every two days every 24 hours;
- (8) only the trapper may euthanize either the restrained bear or the bears accompanying the restrained bear;
- (9) snare cable must have a closing diameter of no less than 3 inches;
- (10) restrained bears must be euthanized or released at the catch site;
- (11) unless otherwise permitted by the Department a licensed trapper is not allowed to have more than one trap set for bear at any time.
- (12) once authorized by the Department under special permit conditions a permittee may use up to 20 traps in the field at one time. If the permittee requires more than 20 traps, the permittee must demonstrate in writing their ability to manage this volume of traps.

Comment [rhh3]:

Recommend MAY 15-JUNE 30;

If trapping occurs during this time period it should result in bears being more vulnerable to capture than sows at a ratio of 2-1, due to the bears high frequency of travel during the mating season. This should reduce the number of sows caught.

Comment [rhh4]:

o Restraining Traps Minimum Performance: with restraining traps, 9 of 9 animals should be held for 24 hr without serious injuries. Traps that meet these criteria may be expected to hold 70% of target animals without serious injuries, within a specific period of time (24 hrs).

Comment [rhh5]:

This diameter will allow most juvenile bears to pull free of the snare.

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Comment [rhh6]:

This is the limit in unit 16, and it seems reasonable, unless the permittee can demonstrate to the department that they are capable of managing a higher number of bears if caught.

A regulation allowing discretionary conditions to be applied to trapping permits has been in place for years. The division is recommending additional conditions to allow collection of biological samples without requiring sealing in some areas, and require minimum distance requirements in some areas.

5 AAC 92.051. Discretionary trapping permit conditions and procedures.

In areas designated by the board, the department may apply any or all of the following conditions to a registration trapping permit:

(1) a permittee shall demonstrate

(A) the ability to identify the permit area;

(B) a knowledge of trap use and safety;

(2) a permittee shall attend an orientation course;

(3) only a specified number of permittees may trap during the same time period;

(4) a permittee may trap only in a specified subdivision within the permitted area;

(5) a permittee may only use traps or snares of a specified type or size;

(6) a permittee may only set a trap or snare and bait as specified by the department;

(7) before receiving a permit, the permittee shall acknowledge in writing that he or she has read, understands, and will abide by, the conditions specified for the permit area;

(8) a permittee may trap only during the specified time periods;

(9) a permittee must check his or her traps within a specified interval;

(10) a permit applicant must be at least 16 [10] years old;-26

(11) a permit applicant less than 16 [14] years old must be accompanied by an adult, 16 years of age or older, with a valid trapping license:

(12) a permittee shall submit, on a form supplied by the department, information requested by the department about the permittee's trapping activities under the permit; the permittee shall submit this form to the department within the time limit set by the department;

(13) a permittee shall label the permittee's traps and snares as specified by the department.

(14) a permittee who takes an animal under a permit shall deliver specified biological specimens to a check station or to the nearest department office within a time set by the department;

(15) a permittee may not possess or transport an animal unless sufficient portions of the external sex organs remain attached to either the hide or meat to indicate conclusively the sex of the animal, this does not apply to the meat of an animal that has been cut and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(16) a person may not use bait, scent lures, or set a bucket foot snare within

(A) one-quarter mile of a publicly maintained road, trail, or the Alaska Railroad;

(B) one mile of a house or other permanent dwelling, businesses or schools; or

(C) one mile of a developed campground or developed recreational facility;

Trappers will likely need to use artificial light because they do arrive at sets after dark, particularly in September. This could become a safety issue. Use of lights could be restricted to within a certain distance of the set.

5 AAC 92.080. Unlawful methods of taking game; exceptions. The following methods of taking game are prohibited:

(7) with the aid of a pit, fire, artificial light, laser sight, electronically enhanced night vision scope, 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

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Comment [h7]: Maybe add Measurements, it could be useful for trap development to know certain measurements from the bear and the trap!

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Comment [h8]: May want to increase this distance to avoid someone walking into a trap site inadvertently, try 3 or 5 miles

Comment [h9]: May want to increase this distance to avoid someone walking into a trap site inadvertently, try 3 or 5 miles.

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- (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 used²⁷

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(i) for the purpose of taking furbearers under a trapping license during an open season from November 1 – March 31 in Units 7 and 9 – 26; or **black bears under a trapping license during an open trapping season;**

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The Department recommends the following modifications to trapping methods to

- 1) allow same-day-airborne take of black bears during a trapping season, in order to provide flexibility to dispatch other bears in the group that may not be in the snare, and
- 2) prohibit trapping black bears by any means other than centerfire rifles and foot snares of a specific design.

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5 AAC 92.095. Unlawful methods of taking furbearers; exceptions.

(a) The following methods and means of taking furbearers under a trapping license are prohibited. in addition to the prohibitions in 5 AAC 92.080:

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(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 am on the day following the day in which the flying occurred; or in taking a coyote, arctic fox, red fox, [OR] lynx. or **black bear**, unless that person is over 300 feet from the airplane at the time of taking: this paragraph does not apply to a trapper using a firearm to dispatch an animal caught in a trap or snare:

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(20) taking black bears by any means other than centerfire firearm or a bucket foot snare

When the Board originally allowed the sale of bear hides and skulls, the regulations adopted required that all bears intended for sale had to be sealed. This would require sealing of bears taken as a furbearer. This requirement is included for review purposes.

5 AAC 92.165. Sealing of bear skins and skulls. (a) Sealing is required for brown bear taken in any unit in the state and black bear of any color variation taken in Units 1 - 7, 14(A), 14(C), 15 - 17 and 20(B), and a bear skin or skull before the skin or hide is sold

Currently, meat of a big game animal, including black bear, cannot be sold. This prohibition would not apply to black bear as a furbearer taken under trapping seasons. For consistency, we recommend that no sale of black bear meat be allowed under either hunting or trapping.²⁸

5 AAC 92.200 Purchase and sale of game.

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(a) In accordance with AS 16.05.920 (a) and 16.05.930(e), the purchase, or sale of game or any part of game is permitted except as provided in this section.

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

(8) the meat of big game, **black bear**, and small game,
Require the salvage of either the hide or the meat of a black bear taken by trapping.

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Comment [h10]:
Probably should require the salvage of the hide at all times, as trapping is primarily used to take animals for their hides.

5 AAC 92.220. Salvage of game meat, furs, and hides. (a) Subject to additional requirements in 5 AAC 84 - 5 AAC 85, a person taking game shall salvage the following parts for human use:

(3) **except as provided in (6) of this section**, from January 1 through May 31, the hide, skull, and edible meat as defined in 5 AAC 92.990, and from June 1 through December 31,

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the hide and skull of a black bear taken in a game management unit in which sealing is required; from June 1 - December 31, the skull and either the hide or edible meat of a black bear taken in Unit 20(B),

(4) **except as provided in (6) of this section**, from January 1 through May 31, the edible meat, and from June 1 through December 31, either the hide, or the edible meat as defined in 5 AAC 92.990, of a black bear taken in any game management unit in which sealing is not required; however, from June 1 through December 31, the edible meat of a black bear taken 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) must be salvaged.

Comment [h11]:
Should require hide-salvage under trapping regulations

(6) **either the hide, or the edible meat as defined in 5 AAC 92.990, of a black bear taken under a trapping license;**

Since trapping methods cannot totally exclude non-target animals, the prohibition on taking sows with cubs, and cubs must be modified to allow trapping of any bear.

Comment [h12]:
Should require hide-salvage under trapping regulations

5 AAC 92.260. Taking cub bears and female bears with cubs prohibited. A person may not take a cub bear or a female bear accompanied by a cub bear, except that a black bear cub or a female black bear accompanied by a cub bear may be taken by a **black bear trapper during an open trapping season**, or by a resident hunter from October 15 through April 30 under customary and traditional use activities at a den site 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).²⁹

Because trapping methods are restricted to the use of bucket footsnare, a definition of a legal bucket footsnare must be adopted.

92.990 Definitions:

() **"bucket footsnare"** means a cable at least 3/16-inch in diameter with a 7x7 strand, equipped with a locking device and at least one swivel (0.794 cm swivel), set in a manner designed to catch a bear by the foot; footsnare may only be set when accompanied by a spring powered device that propels the footsnare closed and may only be used inside a bucket or 6" tube (PVC pipe) or container into which the bear must reach, triggering the spring device and becoming snared by the foot; all footsnare, spring devices, buckets and/or containers must be elevated at least 48 inches off the ground; footsnare must be anchored to a live tree 6 inches in diameter or larger.

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Comment [h13]:
(In Accordance With Flaa_et_al_Ursus_20_1 (Building a reliable snare cable for capturing grizzly and American black bears) recommends the use of 7x19 galvanized aircraft cable for the best strength when assembling a snare assembly.

The Board will need to establish a customary and traditional use finding and establish an amount necessary for subsistence for black bear as a furbearer before establishing seasons in units where these determinations have not already been made. Current findings for black bear as a big game animal in the proposed areas are shown for reference.

5 AAC 99.025. Customary and traditional uses of game populations.

The Board of Game has examined whether the game populations in the units set out in the following table, excluding those units or portions of those units within nonsubsistence areas established by the Joint Board of Fisheries and Game (5 AAC 99.015), are customarily and traditionally taken or used for subsistence and make the following findings:

Comment [h14]:
RECOMMENDED EQUIPEMENT
O N Galvanized aircraft cable (7 x 19 strands, 0.635 cm diameter) with a manufacturer's rated breaking strength of 3,175 kg. The safe working load (SWL) at 5:1 is 630 kg. The working load at 1,710 kg (16.8 kN) is 1.8:1 and exceeds the SWL by 2.7 times.
O N Aluminum or copper oval compression sleeves. These are rated between 70% and 100% of cable strength (F. Maraz, NicopressH Product Quality, Cleveland, Ohio, USA, personal communication, 2007).
O N Swivels (0.794 cm) have a manufacturer rated breaking strength of 2,812 kg and a SWL at 5:1 of 576 kg. The working load at 1,710 kg is 1.6:1 and exceeds the SWL by 3 times.
O N A 2.0-cm section of angle iron, 3.81 cm x 3.81 cm x 0.635 cm, with edges smoothed, should be used for sliders.
O N CrosbyH Clips (Model Q-450, 0.635 cm) are rated at 80% of cable strength if torqued (20.3 Nm) to specification (D. Conner, Crosby Group Product Technician, Tulsa, Oklahoma, USA, personal communication, 2007). We believe that smaller generic clamps should never be used in snare assemblies.

AMOUNT
REASONABLY

**NECESSARY FOR
SUBSISTENCE
SPECIES & UNIT FINDING USES**

(2) Black Bear

...
Unit 12 positive 40 - 60

...
~~Unit 16(B) positive 15 - 4030~~

...
Unit 19 positive 30 - 50
Unit 20, outside the positive 20 - 30
Fairbanks non-subsistence
area

...
~~Unit 25 positive 150 - 250~~

(13) **Furbearers and Fur animals.** The Board of Game (board) finds that all resident uses of furbearers and fur animals are customary and traditional uses, and that furbearers and fur animals, in general, tend to be the focus of these uses, rather than users focusing on individual species or populations. Given this finding, the board also finds that effort on any given population varies according to its harvestable surplus.

(A) Beaver positive harvestable portion
all units with a
harvestable portion

...
(1) Black Bear
all units with a
harvestable portion

(b) In order to establish an amount reasonably necessary for subsistence uses under this section and whether a reasonable opportunity for subsistence uses exists, the Board of Game will, as the board determines is appropriate, attempt to integrate opportunities offered under both state and federal regulations.

(c) In this section,

(1) "amount reasonably necessary for subsistence uses" includes the total amount of animals from a population that must be available for subsistence hunting in order to provide a reasonable opportunity for subsistence uses, under state and federal subsistence hunting regulations, where both exist;

(2) "reasonable opportunity" has the meaning given in AS 16.05.258(f).

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Proposal 40 Falconry
Allow nonresident take of wild raptors

ADF&G Division of Wildlife Conservation

Staff Report

Deferred from January 2012

- Proposal intent
- Nonresident falconers allowed to capture raptors and transport out of state
- Department recommendation - None - allocation

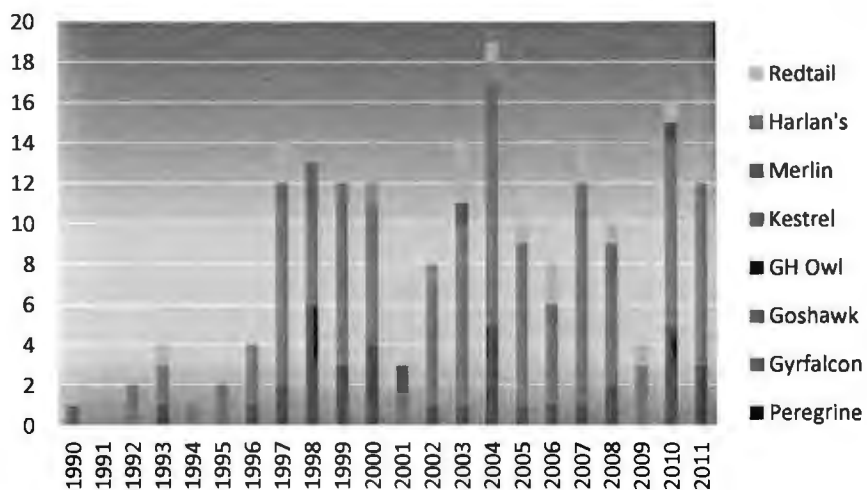
1

Proposal 40 Falconry
Allow nonresident take of wild raptors

- Request by Board to prepare "*White Paper*"
- Review relevant biology
- Review management of nonresident take
- Outline BOG general guidance
- Outline suggestions from Alaska Falconers Association
- Combine BOG, Alaska Falconers Assoc and Department into single nonresident take framework

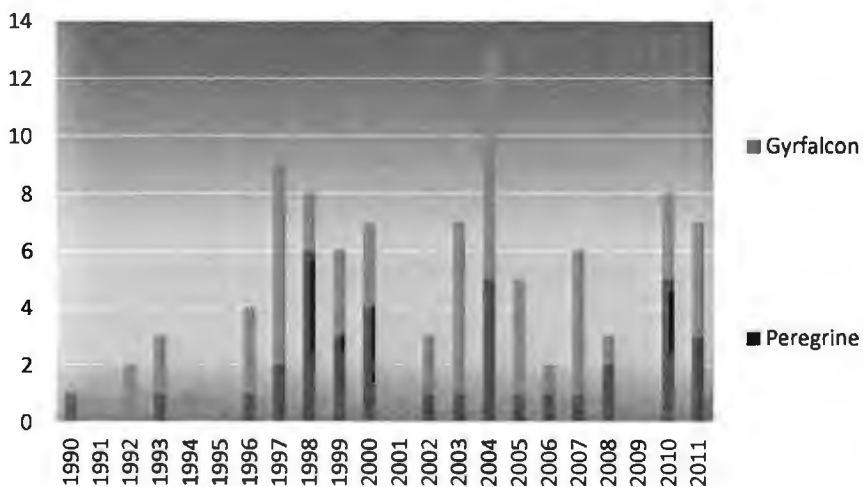
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Falconry birds taken from the wild by year



3

Gyrfalcons and Peregrine falcons taken from the wild by year



4

Definitions

– Eyas – nestling hawk or falcon



– Eyrie – nest site cliff



5



Gyrfalcon

- Largest falcon in world
- Three colors
- Northern regions
- Alaska only state with nesting gyrfalcons
- Highly desirable for falconry and breeders
- Taken annually by Alaska falconers



Gyrfalcon

- 400 – 700 pairs in AK
- Nest on cliffs
- About 3-5 taken annually by residents
- Nome road system
- International trade?



8



Peregrine Falcon

- Formerly Listed under ESA
- Nests on Cliffs/water
- 3 subspecies in AK
- Peale's falcons may be desirable
- >1,000 nesting pairs in AK







Northern Goshawk

- Forest raptor
- Nests in trees
- Widely distributed
- Numbers vary with grouse and hares
- Approx. 30,000 in AK





Sustained yield and allowable take

- Harvesting at high harvest levels would require significant survey and population data
 - Data not generally available
 - Long-term surveys/monitoring only for
 - Gyrfalcons - Seward Peninsula
 - Peregrine Falcons – e.g., Colville River
 - Northern Goshawks – SE only for 10 years

Sustained yield and allowable take

- Few studies to evaluate effects of harvest on raptors
- FWS conservative harvest rates 1-5%
- Some suggest harvest rates OK at 10% for juveniles
- Adding a harvest of 5 nonresident raptors, of any species, will not require rigorous monitoring

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Developing a Nonresident Take Program

- Nonresidents who are US citizens
- Limit nonresident take to 5 birds annually
~~ 50% of resident take
- Declare species at some point
- Use existing drawing permit system
 - \$5 + nonresident hunting license

19

Developing a Nonresident Take Program

- Only take passage raptor
- Take allowed 1 September – 31 December
- Nothing of value to assist with capture – guiding
- Must notify department >30 days before scheduled arrival/trapping
- Check-in/check-out requirements
- Must present state falconry permits, hunting licenses, etc.

20

Developing a Nonresident Take Program

- Must file annual report
- Banding requirements and presentation of bird to regional office/area office
- Successful applicant may not apply again for 5 years, even if unsuccessful

21

Limit Nonresident take areas??



Other Important Issues

- Use of lure birds, especially pigeons
- If permittee drives to Alaska there are a multitude of federal/CITES permits
 - PetPassport, Canadian requirements
 - SAR issues with Canada
- Logistics may be difficult

23

The screenshot shows the 'Migratory Birds' website page. The main heading is 'Import and Export of Migratory Birds'. Below this, there is a section titled 'Permit Requirements' which includes text about the Migratory Bird Treaty Act (MBTA) and the requirements for permits. A table titled 'Exemptions' lists various categories of birds and their respective permit requirements.

Exemptions	Do you need a migratory bird import/export permit for:
	<p>import and export of birds, including: game species, migratory birds, waterfowl, shorebirds, and birds of prey.</p> <p>You must permit activities that you habitually conduct in another country. You do not need a permit to import birds to the United States for scientific purposes or other purposes. You must file a permit application for scientific purposes. You must file a permit application for other purposes.</p>
Game Species (Ducks)	<p>You must permit activities that you habitually conduct in another country. You do not need a permit to import birds to the United States for scientific purposes or other purposes. You must file a permit application for scientific purposes. You must file a permit application for other purposes.</p>
Game Species (Falcons & Owls)	<p>You must permit activities that you habitually conduct in another country. You do not need a permit to import birds to the United States for scientific purposes or other purposes. You must file a permit application for scientific purposes. You must file a permit application for other purposes.</p>

24

Proposal 40 - Falconry – Nonresident take of raptors
Report to the Alaska Board of Game
by
Alaska Department of Fish and Game
Division of Wildlife Conservation
March 2012

1. **Background** - At the January 2012 meeting, the Board of Game deliberated on three proposals for falconry. Proposals 38 and 39 were very similar, and these were regulatory changes required for the state of Alaska to meet the federal (US Fish and Wildlife Service) framework for falconry. The Department and the Alaska Falconers Association prepared a single proposal and the Board adopted that amended proposal (along with Alaska Falconry Manual No. 9).

Proposal 40 was deferred to the March 2012 meeting. That proposal was submitted to allow a nonresident take of raptors for falconry. The Department suggested a paper outlining the issues and regulatory framework necessary for a nonresident take. The goal here is to provide additional information that the Board can evaluate and that the public can comment on regarding regulations to allow for nonresident take of raptors for falconry. In addition, there are a number of complicated aspects for the Department's management of nonresident take, based on regulations set forth by the Board. At the January 2012 meeting, the Board suggested that over the next two years the Department could work with Alaska falconers to finalize a nonresident take management system. This would allow time to develop the regulations, understand various permitting and transport requirements, and accommodate any issues between resident and nonresident falconers. The regulation would then be heard again at the next statewide meeting in 2014, albeit out of cycle.

2. **Definitions and jargon** – Below are a few falconry and bird of prey terms that are useful to define. These definitions may differ slightly from those of the US Fish and Wildlife Service
 - a. **Eyas** – a nestling raptor (hawk or falcon)
 - b. **Eyrie** – a cliff site used by a nesting raptor; for species like golden eagles and rough-legged hawks, this includes the ledge and the stick nest they construct; for falcons such as peregrines or gyrfalcons, this includes the nest ledge because falcons don't build an actual nest.
 - c. **Form 3-186A** – a US Fish and Wildlife Service (FWS) form, filed electronically or via paper to the FWS (and ADF&G) that tracks change in status for a falconry

bird. This includes take, transfer (including to another falconer or another state), death or loss of a raptor used in falconry.

- d. **Nestling or eyas take versus passage take-** Nestling/eyas take for most raptors occurs from about day 12-21 of life. These eyas birds are desirable if the goal is to have a bird imprinted to humans.
- e. **Passage** – this refers to a raptor during its first autumn migration; hence it is “on passage”
- f. **Raptor** – A bird of prey – hawk, falcon, eagle, owl.
- g. **Take as related to falconry** – acquiring an approved raptor and reducing it to possession by banding the bird at time of capture.

3. **Raptor population status** – Raptor species population status and numbers across Alaska are largely unknown. Therefore, any additional take should be far below any sustained yield threshold so as to avoid the need to evaluate the impact of take. There are no periodic, large scale surveys for the species likely to be taken for falconry. There is some long-term monitoring of golden eagles, peregrine falcons, and gyrfalcons in localized study areas. Golden eagles have been monitored for >20 years in Denali National Park by National Park Service biologists, peregrine falcons have been monitored on the Colville River by the Fish and Wildlife Service and others for >50 years, and gyrfalcons and other raptors have been monitored on the Seward Peninsula for >10 years by ADF&G staff. Northern goshawks were monitored by ADF&G in Southeast Alaska for about 10 years, but that project ended. With the exception of rigorous monitoring of peregrine falcons when they were listed under the Endangered Species Act, other raptor species studies in Alaska have tended to be short-term.

For the purposes of nonresident take and falconry, the Department is assuming that nonresident take will focus on three species, gyrfalcon, peregrine falcon, and northern goshawk. Therefore, information on these species is summarized below.

Gyrfalcon (*Falco rusticolus*) – The gyrfalcon is the largest falcon species in the world. This species has a circumpolar distribution and it is found nesting in various mountain ranges and cliff type habitat across Alaska, but not in Southeast (Figure 1). Alaska is the only state in the US in which Gyrfalcons breed. Gyrfalcons nest on cliffs. About 400-700 pairs of gyrfalcons nest in Alaska annually. Gyrfalcon population status in Alaska is unknown and numbers of breeding pairs fluctuate based on key prey such as ptarmigan. In addition to being a migratory bird, gyrfalcons are listed in CITES (Convention on International Trade in Endangered Species of Wild Flora and Fauna) Appendix I. In fact all raptors are listed in Appendix I or II of CITES (see transport/import/export below).

Gyrfalcons occur in various color morphs or color phases. There are three primary color morphs, black/dark, grey, and the coveted white gyrfalcon. Few gyrfalcons in Alaska are white, but they do occur. White or lightly colored gyrfalcons are more desirable for raptor breeders and within the international falconry/captive breeding community. They are highly desirable in some Arab countries. If the Board limits the take to Alaska nonresident but USA residents, then this concern should be minimized in terms of the potential for trafficking of this species outside the USA.

Issues associated with nonresident take of gyrfalcons – This species is likely the most desirable species for nonresident take. Gyrfalcons are a desirable species in the western USA and internationally for falconry. They are highly coveted for captive breeding, hybridizing and perhaps for new “genetic stock.” There are various CITES and US Fish and Wildlife Service requirements to transport gyrfalcons across international boundaries. For example, taking a Gyrfalcon from Alaska and transporting it to the lower 48 states may prove difficult if the transport occurs through Canada. The Department presumes that this may be an impediment to transporting not only gyrfalcons, but other raptor species.

Peregrine falcon (*Falco peregrinus*) – This species is widely distributed across the world and it nests across Alaska (Figures 2 – 4) and much of the lower 48 states. Peregrine falcons nest on cliffs. Interest in peregrine falcons by falconers depends on subspecies and there are three subspecies in Alaska. The Arctic peregrine falcon - *tundrius* subspecies occurs from the Brooks Range north and is a long distance migrant wintering in South America (Figure 2). They nest on cliffs above rivers in the Arctic such as the Colville and Sag - along the haul road. The widely distributed American peregrine falcon - *anatum* subspecies nests on cliffs on all of the major river systems in Alaska (Figure 3). American peregrine falcons also migrate to central and south America. Both Arctic and American peregrines can now be harvested by falconers in other states given their recent ESA delisting. There is an autumn harvest program for migrant peregrines along the Texas coast. This peregrine harvest program is set forth by the FWS and the states in a system similar to the flyway system for waterfowl. There are over 1,000 nesting pairs of Arctic and American peregrine falcons in Alaska. They are presumed to have fully recovered to pre-DDT levels and are likely at or near carrying capacity. They are no longer listed under ESA.

Peale's peregrines (*Falco peregrinus pealei*) are the third subspecies that occur in Alaska (Figure 4). They occur primarily on cliff habitat along marine shorelines from Southeast Alaska through the Aleutians. They are most often associated with

seabird nesting areas and they are typically very dark in plumage. They are considered resident/nonmigratory. Discussions with falconers suggest that they may be desirable by nonresident falconers and raptor breeders. The logistics of acquiring a Peale's peregrine are daunting. Few resident falconers have taken nestlings, probably because these falcons nest on large, inaccessible cliffs in a rocky marine environment. The number of Peale's peregrines is unknown, but there are surely 100's of nesting pairs, from Southeast Alaska and down through the Aleutians. They should be considered to be at carrying capacity in terms of any nonresident take. Many Peale's peregrine falcons nest in federal conservation units such as the Alaska Maritime National Wildlife Refuge.

In Canada, the American peregrine falcon is listed under the Species at Risk Act (similar to ESA in the USA). This may have implications for import/export in addition to CITES.

Northern goshawk (*Accipiter gentilis*) – This species is widely distributed across portions of the Northern Hemisphere and occurs widely across all forested portions of Alaska. It also breeds in many of the western and northern states of the lower 48 states. Northern goshawks nest in trees. Populations fluctuate widely based on grouse and hare cycles. This species may be desirable for falconry by nonresidents, even though they may be able to acquire goshawks in their home state. There is a belief that there are "large northern goshawks" across Interior Alaska. Yet, Interior Alaska goshawks are not appreciably larger than those found elsewhere.

There are two goshawk subspecies in Alaska, the widely distributed North American *atricapillus* subspecies and the *laingi* subspecies that is restricted to the old growth rainforests of Southeast Alaska. The *laingi* subspecies is listed under the USA's Endangered Species Act, but only in Canada, and the government of Canada has this subspecies also listed under their Species At Risk law. As such, there may be a number of permitting issues with transporting any live goshawk through Canada back to the USA.

4. Sustained Yield and take of birds for falconry

If there is a desire to harvest raptor populations at something approaching sustained yield, then there is a need to have accurate estimates of population parameters such as reproduction, recruitment, territory fidelity, adult survival, dispersal and nonbreeders in the population. Few if any such data exist over the long term for Alaska raptors. Long term sustained yield of raptors taken for falconry has only had modest scientific investigation by wildlife managers. There are only three or so peer

reviewed publications on the topic. An intensively harvested population of nestling prairie falcons (e.g., about 30%) may have had some adverse effect on some local population parameters, but harvests were considered sustainable. A different publication suggests that healthy peregrine falcon and northern goshawk populations in Europe can sustain the removal of at least 10% of their young. Finally, modeled analyses by biologists from the US Fish and Wildlife Service suggest that available information on species like northern goshawks and peregrine falcons would allow for a harvest rate of up to 5% of the nestling or juveniles. For species without adequate population data, these authors suggested a 1% harvest rate.

Abundance/population size for raptors across Alaska is lacking. In those areas with annual monitoring (e.g., Colville River, Seward Peninsula, Denali National Park) there are indications that at least for cliff nesting raptors (e.g., peregrine falcons, gyrfalcons, rough-legged hawks, golden eagles) abundance is at or near carrying capacity given annual fluctuations, presumably based on prey. Therefore, a combined resident and nonresident harvest of about 15 raptors/year (average of 9-10/year for residents + 5/year for nonresidents) would not jeopardize sustained yield of any raptor species in Alaska.

5. Nonresident raptor take programs in other states

An ad hoc survey of falconry programs in some western states indicates a variety of fees for resident falconers in addition to the requirement to have a hunting license if they are going to hunt their raptor (Table 1). Nearly all states have a specific fee program for nonresidents to harvest a raptor.

6. Developing a nonresident falconry take program for Alaska – At the January 2012 statewide Board of Game meeting, the Board mentioned a few scenarios for nonresident falconry take. These included:

- a. Limiting take to nonresident US citizen who are also residents of other states.
- b. Limiting take to <10 birds/year as a modest approach to initiating the program.

In addition, the Alaska Falconers Association discussed a few additional issues associated with nonresident take. These include, but are not limited to:

- a. Restriction to US citizens.
- b. Limiting take to 5 birds annually. Presumably, the Board/Department would require that the falconer declare the species they desire to acquire.
- c. Nonresident take would be limited to five (5) birds total annually

- d. The Department's existing drawing permit system (\$5 fee) would be used to manage the nonresident applicants.
- e. A nonresident hunting license would be required to apply.
- f. A nonresident may only take a passage raptor.
- g. Nonresident passage raptor take would be allowed from 1 September to 31 December annually
- h. No one may offer or accept anything of value in exchange for raptor guiding service or other activities intended to assist a nonresident in taking a raptor for falconry.

7. Suggested framework for nonresident take

Given general direction from the Board, combined with suggestions from Alaska falconers and Department experience in managing the falconry program, the following draft guidelines are provided.

- a. Restrict to nonresident US citizens.
- b. Limit nonresident take to 5 birds of any species annually. Require the successful drawing permit applicant to submit the necessary falconry permits from their state of residence, hunting license information, etc., in order to finalize their Alaska take permit. The falconer will be required to declare the species they desire to acquire. Alternatively, the Board could allocate permits by species that includes maximum take per species, for example, up to 3 gyrfalcons, 3 peregrine falcons, 4 northern goshawks, and 3 all other species annually.
- c. The Department's existing drawing permit system (\$5 fee) would be used to manage the nonresident applicants; an individual falconer could receive only 1 permit per year.
- d. A nonresident hunting license would be required to apply. The Board would need to specify whether a hunting (\$85 all game) or a nonresident small game (\$20) would be required. Presently the computer systems are developed to handle only the \$85 hunting licenses as linked to the big game drawing hunt systems.
- e. A nonresident may only take a passage raptor.
- f. Nonresident passage raptor take would be allowed from 1 September to 31 December annually
- g. No one may offer or accept anything of value in exchange for raptor guiding service or other activities intended to assist a nonresident in taking a raptor for falconry.

- h. An annual report, like a required drawing hunt report, must be filed by the falconer.
- i. Areas closed to nonresident take of raptors. Specifying closed areas is far more important if an eyas/nestling take is allowed. If the take is limited to passage/migrant raptors, then this is less important. The Board could specify certain closed areas to provide a resident preference. Notable areas include the Nome road system, parts or all of GMU 22, and areas along the Dalton Highway.
- j. A successful applicant must notify both the Department's permit section, and the regional falconry representative at least 30 days before scheduled trapping activities. The permittee must check-in and check-out, in person at the assigned ADF&G – Wildlife Conservation office, before and after trapping activities. The permittee must provide her or his nonresident hunting license, falconry permit or license from her or his home state, written permission from landowners (if required), and any other information the department may require. The Department will then issue the take permit.
- k. If the permittee is successful in trapping a raptor, the bird shall be banded with a locking, non-reusable, black nylon numbered marker band issued in person by the Department upon check-in prior to attempting to capture a raptor.
- l. A successful applicant may not apply for another nonresident take permit for at least five years, whether or not she or he was successful.

8. Important ancillary issues regarding nonresident raptor harvest in Alaska. Trapping of passage birds for falconry –

- a. Take of passage raptors - Given previous Board direction from January 2012, the Department assumes that take will be limited initially to passage birds. At our northern latitude, migration occurs far earlier, similar to waterfowl, shorebirds and virtually the entire avifauna. A period from 1 September – 31 December should allow ample opportunity to trap a passage raptor in Alaska.
- b. Logistics – Logistics of trapping a raptor by nonresidents may be difficult. Preparation will be paramount. However, unlike the many guides, transport services, next of kin, friends, and other ways to prepare for a big game hunt in Alaska, nonresident falconry take will differ. This will be a highly specialized trip and certain equipment will be required. This differs significantly from the lower 48 states where the falconer can take the required equipment (traps, nets, lure birds, kennels, etc.) in the back of a pickup on a 'road trip' to another state where they have acquired a trapping permit, hunting license, etc. While the Department can provide some general information regarding logistics,

nonresident falconers will have to cope with logistics as do other nonresident hunters traveling to Alaska.

- c. Use of lure birds/trapping birds – Passage peregrine falcons and gyrfalcons are most effectively trapped using domestic pigeons using a few methods. There are number of communities in Alaska where species like pigeons and starlings do not exist. Both the Board and the Department have worked hard to avoid the spread of deleterious exotic wildlife from all of Alaska. The Department will notify nonresident falconers about the regulations for species like pigeons and starlings to avoid their spread in Alaska.
- d. Transport of raptors by nonresidents to the lower 48 states - The department presumes that most if not all nonresident falconers traveling to the lower 48 states will fly to Anchorage/Fairbanks and then acquire transportation within Alaska. This has the advantage of avoiding travel through Canada and various FWS and international permit requirements (especially CITES permits). This has the disadvantage that the falconer may have difficulty transporting the necessary traps and equipment. Discussions with FWS suggest that moving a falconry bird from Alaska, through Canada, and back into the US may prove very complicated and permit intensive.

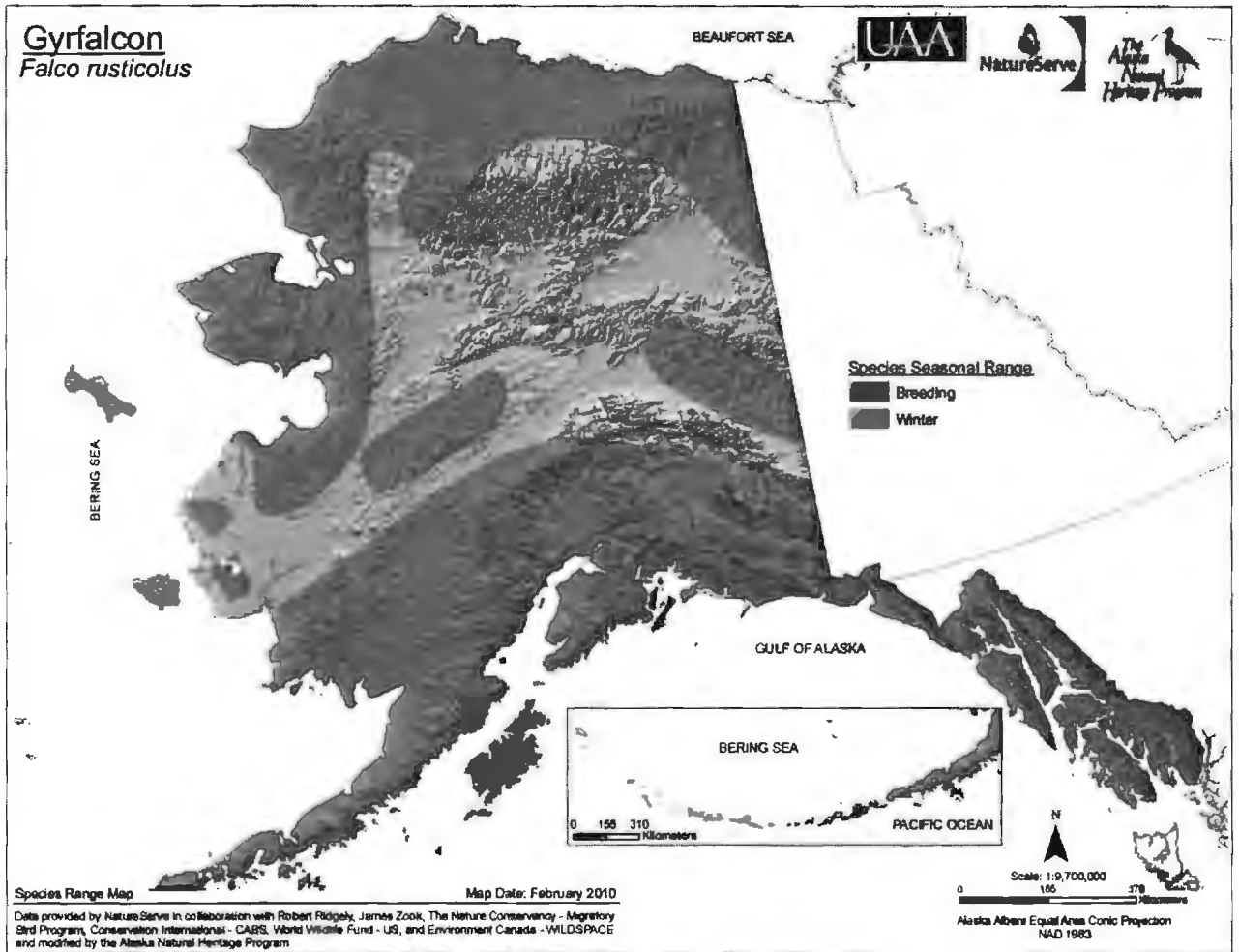


Figure 1. Distribution of the gyrfalcon in Alaska. Map courtesy of the Alaska Natural Heritage Program.

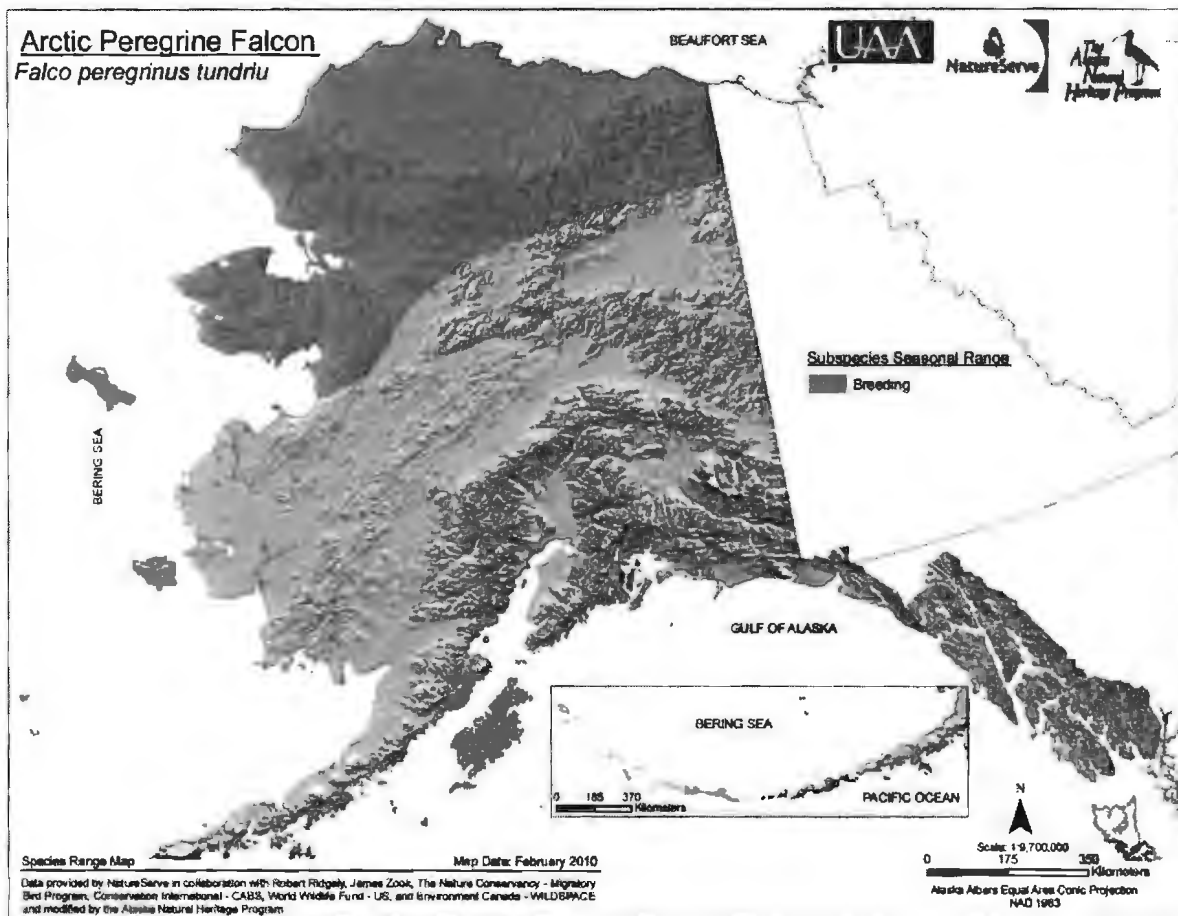


Figure 2. . Distribution of the Arctic peregrine falcon (*Falco peregrinus tundrius*) in Alaska. This subspecies migrates to South America. Map courtesy of the Alaska Natural Heritage Program.

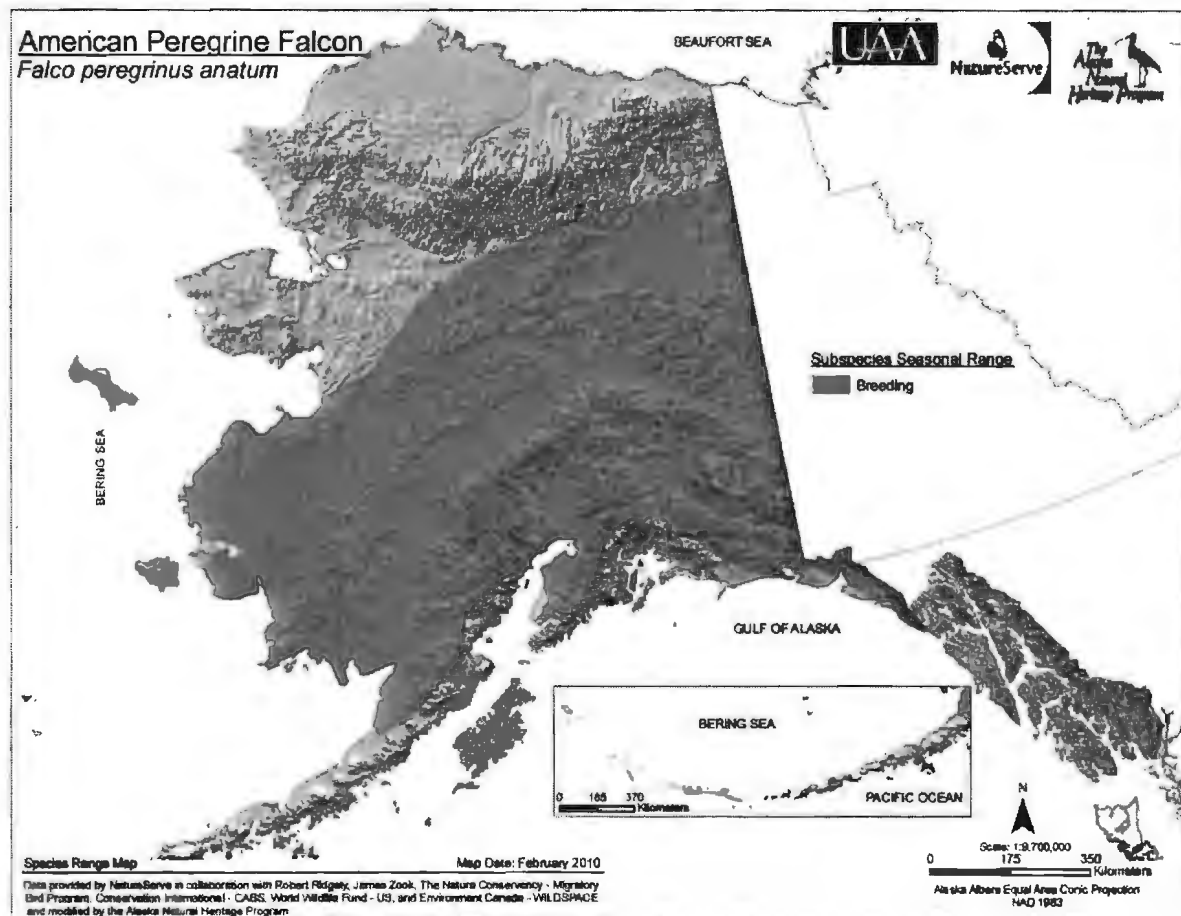


Figure 3. Distribution of the American peregrine falcon (*Falco peregrinus anatum*) in Alaska. This subspecies migrates to central and South America. Map courtesy of the Alaska Natural Heritage Program.

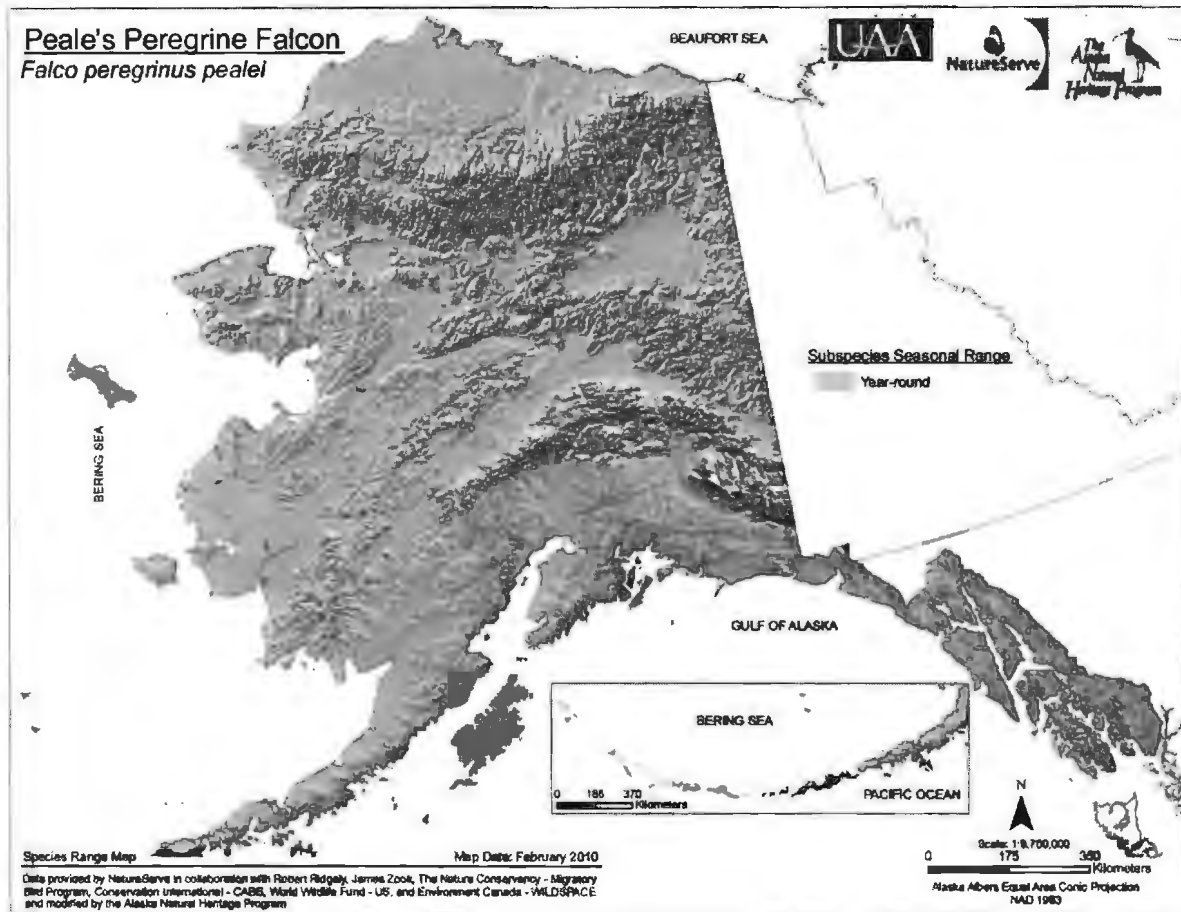


Figure 4. Distribution of the Peale's peregrine falcon (*Falco peregrinus pealei*) in Alaska. This subspecies is considered resident year round. Map courtesy of the Alaska Natural Heritage Program.



Figure 4. Distribution of the northern goshawk (*Accipiter gentilis*) in Alaska. Northern goshawks are considered partial migrants in Alaska, some birds migrate, others are resident year round. Map courtesy of the Alaska Natural Heritage Program.

Table 1. Examples of falconry fees and nonresident take programs for selected western states. Information accessed via the web, January 2012.

State	Resident Falconry Permit Fee	Nonresident Permit Fee	Nonresident Cost for Falconry	Cost Differ by Species?	Nonresident take allowed	How permits are allocated
Alaska	\$25 hunting license; no permit fee	None	\$20	No	Pending	lottery?
Idaho	\$30 annual falconry permit	\$170 capture fee	\$325	No	Yes	Limited number, by species, given out on a first come basis for non-residents.
	\$13 Hunting license	\$155 hunting license				
California	\$75 annual falconry permit	\$310 capture fee	\$461	No	Yes	no specific allocation set
	\$14 application fee	\$151 hunting license				
	\$44 resident hunting license					
Arizona	\$87 falconry permit every 3 yr	\$87 falconry permit every 3 yr	\$180	No	Yes	For sub-set of species, limited permits available by drawing
	\$32 hunting license	\$151 hunting license				
Washington	free permit	free permit?	\$182?	?	Yes	Special take permit issued by Director, no allocations set
	\$39 hunting license	\$182 hunting license				
Montana	\$125 falconry permit	\$125 falconry permit	\$235	No	Yes	unspecified
	\$8 bird hunting license	\$110 bird hunting license				
Oregon	\$17 capture permit	\$17 capture permit	\$157	No	Yes	no specific allocation set
	\$30 hunting license	\$140 hunting license				
Wyoming	\$16 falconry license	\$242 permit	\$258	No	Yes	apply for permit for all species other than peregrine (appears no resident status preference); Random drawing for 5 peregrine permits annually, 1 for non-resident, 4 for residents
	\$38 permit	\$16 falconry license				

Note: \$100 federal fee will no longer apply after state takes over sole permitting authority

Cliff Judkins, Board of Game Chairman
Lt. Bernard Chastain, Alaska State Troopers,

I am proud of the strides made to clean up the general baiting and other bear hunting regulations for the public. The board has prioritized this issue and I think the decisions will be good.

I have a polar opposite opinion on the guiding subject. Although freeing up the outfitting issue may be a help for some, I think the whole system needed a major revamp. I think the solution is worse than the original problem.

I got a little more heated than I should have during our meeting about the bait guiding situation, I am sorry for that. I am very passionate about bear baiting because it has been a large part of me for more than half my life. I have used it as a method to get many children and wounded Veterans in to the field. It is very frustrating to not be able to continue with these causes that are so important to me.

I have always lost a significant amount of money guiding baited bear hunters; some of this due to charity work but most of it just due to economics. Over the last year or so I have needed to reassess my family and financial situation. I went into this meeting with a vision of what needed to happen to keep me in the business of baited hunting, this appears to have not happened.

I was most frustrated by the answers to many of my questions to Lt. Chastain. I have asked many of these questions before of AWT and had different answers. I have always asked many questions to make sure I was working within the law. The fact that after nearly five years of asking these questions I am still getting different answers and finding new questions should speak volumes about this system. It is not the fault of AWT that there are this many grey areas, it is up to the Board to make very clear regulations.

If it is the intent of the board to allow a guide to only take hunters on ten bait stations, no matter who registers them (friends, clients, others guides) that needs to be made crystal clear. Near the end of the meeting a couple of solutions for more stations were suggested by Board members that would have involved the client registering a station. These suggestions are not practical because the client is usually only present for 4-5 days and must be present to register. This also seems to subvert the intent of the ten bait rule.

Joe Want and Lt. Chastain were right. As bear baiters, we have been forced to work in the grey areas just to make a go of it. Don Duncan stated that he has his clients register a bait site right next to the ones that he has been baiting all spring so he can allow them to hunt without him present. I never thought of this, but it is creative. Outside the intent of the law but possibly inside the letter of the law.

I have often had friends, volunteers, and employees register bait stations. I have testified to this practice for at least four years before the Board with Public Safety Staff present. I have never even been cautioned that this may be a marginal practice until this meeting. This was part of the original argument by the Board used to get the 10 baits in the first place. Every guide that I know that has operated baited hunts has had an assistant register some of the baits.

Lt. Chastain testified that the rule (not a law) surrounding removal of soil would be used only in an extreme case. He then described an extreme case, a practice that looks a whole lot like what nearly every effective bear baiter I know uses. Al Barrett said in the evening meeting that he hauls three drums of grease to his bait station every year and uses it throughout the year. This is well beyond what Lt. Chastain described. I have never used barrels of grease but even a few gallons of grease or other liquid is impossible to remove from the soil and vegetation. If you have a good bait station, the bears will have a hole dug and come occasionally weather there is bait there or not. If it is the intent of the Board that liquids should not be used to avoid soil contamination, please make that regulation. If it is not the intent of the Board to ticket for dirty-dirt, instruct AWT to not enforce it as law. There are plenty of cases where there are piles of trash and actual bait left by slob hunters that Troopers can prosecute.

Most of my long established bait sites have bear tracks in the snow well before any bait is placed in the spring. If the intent is to not have bears attracted to a site, there is no solution. If the intent is to keep trash from being left in the woods and keep people from using bait after the season is closed, that solution seems simple. Bears are site oriented animals and will return to the site no matter how well it is cleaned up. This does not harm the bears.

The first question on my sheet presented Monday night was "Does the Board want to have guided bear baiting?" It seems the answer to this question is NO. Guiding (or Outfitting) in Alaska is a business. Business necessitates profit. In most of Greater Alaska profit is not possible under this system. In remote areas where airplanes are the primary mode of transportation (the ideal places to avoid conflict), this system is not even close to viable as a business activity.

Black bears are an abundant, under used resource in most of our state. It is unfortunate that guides must concentrate on the species more desirable to residents; moose, sheep, caribou, etc., to make a living. I would think it would be in the Board's best interest to do everything they can to expand guided black bear opportunities to take some of the pressure off of the other species, I guess I am wrong.

I need to cancel my one large group of hunters booked for this spring because I can't, in good conscience, offer them a quality hunt. The new guide bait allocation without the use of assistant's baits and AWT interpretations have caused this difficult situation. I had eleven people coming (eight to hunt) and nine of them have already bought plane tickets. This is not a pleasant situation.

There is a system that works. It is used in every other black bear baiting area in North America. It seems to work well in the vast rural areas of Canada and in the densely populated areas of Wisconsin and Minnesota. Sometimes others have much more experience in issues that we Alaskans have. It is OK to use a system that works, but was developed elsewhere. It seems like we, as Alaskans often reject good ideas just because we want to be different.

This is one of these "be careful what you wish for" situations that sometimes bites you in the butt. I guess I started this ball rolling five years ago and got run over by it.

The current and new regulations, and interpretations by AWT must be made clear to the guides. Most do not pay nearly as much attention as I do and I even had a few surprises Monday night. I would suggest a letter to all guides that makes these clear.

Thank you for all of your hard work, it seems that we are on the same team fighting for conservation much more than we are adversaries and I have accepted the outcome of this one.

Sincerely,

Aaron Bloomquist

Proposal 109A**5 AAC 85.015. Hunting seasons and bag limits for black bear.. (a) ...**

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(3)		
Unit 7, that portion south of the city limits of Seward at 60° 04' 58" N lat., and Unit 15, that portion south of Kachemak Creek, Bradley River, and Bradley Lake	No closed season. (General hunt only)	
RESIDENT HUNTERS: 3 bears		
NONRESIDENT HUNTERS: 1 bear		No closed season.
Remainder of Units 7 and 15		
RESIDENT HUNTERS: 3 bears	No closed season. (General hunt only)	
NONRESIDENT HUNTERS: 3 bears		No closed season.
Units 9, 11 - 13, Remainder of Unit 16, Units 18, 19(B), 19(C), 20 - 24, 25(A), 25(B), 25(C), and 26	No closed season. (General hunt only)	No closed season.
3 bears		
Unit 16(B), that portion within a one-mile radius of the	Sept. 15 - May 31	Sept. 15 - May 31

mouth of Wolverine Creek at
60.80° N. lat., 152.31° W. long.

3 bears

Unit 19(A) and Unit 19(D)

5 bears

No closed season.
(General hunt only)

No closed season.

Unit 14(C)

No closed season.
(General hunt only)

No closed season.

1 bear

Units 14(A) and 14(B)

No closed season.
(General hunt only)

No closed season.

3 bears

Unit 17

[RESIDENT HUNTERS:]

3 [2] bears

No closed season.
[Aug. 1 - May 31]
(General hunt only)

No closed Season.

[NONRESIDENT HUNTERS:]

[1 BEAR]

[AUG. 1 - MAY 31]

Unit 25(D)

RESIDENT HUNTERS:

5 [3] bears; or

No closed season.
(General hunt only)

5 [3] bears per community
harvest report by community
harvest permit in an
established community
harvest area

No closed season.
(Subsistence hunt only)

NONRESIDENT HUNTERS:

3 bears

No closed season.

Changes the Department will make to black bear baiting under authority of 5 AAC 92.052

There will be no changes to Unit 16 predator control area dates.

Align spring seasons:

1A, 1B, a portion of 1D, 2, 3, 5 and 6 April 15 – June 15

7 (except Resurrection Creek and tributaries), April 15 – June 30
12, 13, 14A, 14B, 15,
16 (except Denali State Park), 18, 19, 20,
21, 22, 23, 24 and 25

The Department (Region 4) wishes to discuss spring bear bait seasons for units 9, 11 and 17.

Align fall seasons:

19D predator control area, August 1 – September 30
24 (within the Koyukuk Controlled Use area),
21D and 25D

A hunter may bait and hunt another person's site if they have written permission from the person registering the site.

The Department will clarify hunters must remove bait, litter and equipment from the bait station site when hunting is completed. This includes any attractants left at the site.

Proposal 259A

5 AAC 92.150. Evidence of sex and identity.

(d) In those areas where sealing is required, until the hide has been sealed by a representative of the department, no person may possess or transport the hide of a bear that does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(e) In those areas where sealing is required only for the skull, until the skull has been sealed by a representative of the department, no person may possess or transport the meat of a bear that does not have sufficient portions of the external sex organs naturally attached to indicate conclusively the sex of the bear

5 AAC 92.165. Sealing of bear skins and skulls. (a) Sealing is required for

- 1) **Hides and skulls** of brown bear taken in any unit in the state and
- 2) **Hides and skulls** of black bear of any color variation taken in Units 1 - 7, 14(A), 14(C), 15 - 17 and 20(B), from Jan. 1 – May 31, and
- 3) **Skulls of black bear of any color variation taken in Units 1 - 7, 14(A), 14(C), 15 - 17 and 20(B), from June 1 – Dec. 31, and**
- 4) a bear skin or skull before the skin or hide is sold.

A seal must remain on the skin until the tanning process has commenced. A person may not possess or transport the untanned skin or skull of a bear taken in a unit where sealing is required, or export from the state the untanned skin or skull of a bear taken anywhere in the state, unless the skin **or [AND] the skull or both as required** [(IN UNIT 20(B), JUST THE SKULL)] have been sealed by a department representative within 30 days after the taking, or a lesser time if requested by the department, ...

...

(b) A person who possesses a bear taken in a unit where sealing is required for both the skin and the skull shall keep the skin and skull together until a department representative has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; a person who possesses a bear taken in a unit where sealing is required only for the skull shall keep the skull until a department representative has removed a rudimentary premolar tooth from the skull and sealed the skull. The department may require that the skull of the bear be skinned and that the skin and skull not be frozen at the time of sealing.

(c) Except as provided in (a)(7)–(9) and (d) of this section, a person who takes a bear in a unit where sealing is required, must personally present the skin **or [AND] the skull or both as required under (a) of this section;** [(IN UNIT 20(B), JUST THE SKULL)] to a department representative for sealing within 30 days after the taking, or a shorter time if requested by the department, and must sign the sealing certificate at the time of sealing.

(d) A person who takes a bear in a unit where sealing is required, but is unable to present the skin **or [AND] skull or both as required under (a) of this section** in person, [(IN UNIT 20(B), JUST THE SKULL)] must complete and sign a temporary sealing form and ensure that the completed temporary sealing form, along with the bear skin **or [AND] skull or both as**

required under (a) of this section, [(IN UNIT 20(B), JUST THE SKULL)] are presented to a department representative for sealing within 30 days after the taking.

...

5 AAC 92.220. Salvage of game meat, furs, and hides.

(a) Subject to additional requirements in 5 AAC 84 - 5 AAC 85, a person taking game shall salvage the following parts for human use:

(3) from January 1 through May 31, the hide, skull, and edible meat as defined in 5 AAC 92.990, and from June 1 through December 31, **the skull and either the hide or edible meat** [THE HIDE AND SKULL] of a black bear taken in a game management unit in which sealing is required, [AND FROM JUNE 1 - DECEMBER 31, THE SKULL AND EITHER THE HIDE OR EDIBLE MEAT OF A BLACK BEAR TAKEN IN UNIT 20(B)];

(4) from January 1 through May 31, the edible meat, and from June 1 through December 31, either the hide, or the edible meat as defined in 5 AAC 92.990, of a black bear taken in any game management unit in which sealing is not required; however, from June 1 through December 31, the edible meat of a black bear taken 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) must be salvaged.

Proposal 119A**OPTION A****5 AAC 92.044. Permit for hunting black bear with the use of bait or scent lures.**

...

(4) a person may not have more than two bait stations established with bait present at any one time, except that in Units 6, 7, 9, 11, 12, 13, 14(A), 14(B), 15, 16, 17, 19, 20, 21, 24, and 25, a registered guide-outfitter may register up to 10 bait station sites at a time and may either personally or through licensed class-A assistant or assistant guides, establish and maintain those sites simultaneously, if a signed big game commercial services contract is used for each hunter that uses any of the sites;

...

(6) a person may not give or receive remuneration for the use of a bait station, including barter or exchange of goods; however, this paragraph does not apply to **remuneration from a client to a registered guide-outfitter, master guide-outfitter or employee of the contracting guide for providing big game hunting services** [A REGISTERED GUIDE-OUTFITTER, CLASS-A ASSISTANT GUIDE, OR ASSISTANT GUIDE WHO PERSONALLY ACCOMPANIES A CLIENT AT THE BAIT STATION SITE];

...

OR

OPTION B**5 AAC 92.044. Permit for hunting black bear with the use of bait or scent lures.**

...

(4) a person may not establish and operate more than two black bear bait stations with bait present at any one time except that:

(A) A registered guide-outfitter or master guide-outfitter may establish and operate more than two black bear bait stations on behalf of clients who have contracted that guide to provide big game hunting services.

(B) The registered guide-outfitter or master guide-outfitter is responsible for all permit conditions of permits issued to the guide on all clients' behalf.

...

(6) a person may not give or receive remuneration for the use of a bait station, including barter or exchange of goods; however, this paragraph does not apply to **remuneration from a client to a registered guide-outfitter, master guide-outfitter or employee of the contracting guide for providing big game hunting services** [A REGISTERED GUIDE-OUTFITTER, CLASS-A ASSISTANT GUIDE, OR ASSISTANT GUIDE WHO PERSONALLY ACCOMPANIES A CLIENT AT THE BAIT STATION SITE];

...

Proposal 40A. Nonresident take of raptors for falconry.

DRAFT

5 AAC 92.XXX. Nonresident take permits for falconry. (a) A permit and valid, current Alaska big game hunting license is required for taking, transporting, and transferring a raptor to another state's falconry program. The permit will be issued under standards, procedures, and conditions set out in the Nonresident Take Appendix of the *Alaska Falconry Manual* No. 9, dated July 1, 2012; that Nonresident Take Appendix of the falconry manual is hereby adopted by reference.

(b) Up to five permits shall be issued annually by the Department.

(c) The Department's drawing hunt permit system shall be used to determine permit winners and all applicable application rules shall apply. Permits cannot be transferred. Successful applicants are not eligible to apply for a permit again for five years.

(d) Raptor species listed under 5 AAC 92.037 are eligible for nonresident take.

(e) Nonresident US citizens are eligible to apply for a permit.

(f) The annual season for acquiring a raptor is 1 September – 31 December.

(g) The bag limit is one raptor per year.

(h) By 1 August, successful permittees shall notify the Department of their intent to capture a raptor and declare the species they desire to attempt to take.

(i) Check-in, check-out and banding requirements shall be met as specified in the Nonresident Take Appendix.

(j) An annual report, including copies of the US Fish and Wildlife Services 3-186A raptor transfer forms shall be provided to the Department. Failure to report the disposition of the bird will result in FTR action as specified in 5 AAC 92.050.

(k) The Department shall have the discretionary authority to close areas for nonresident take.

(l) If live birds or mammals are to be imported to assist with trapping, all federal and state import requirements shall be met. This includes adherence to 5 AAC 92.029. Deleterious exotic wildlife and species not on the clean list may not be imported to Alaska, and no lure animals shall be released into the wild.