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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Shellene Hutter  
Department of Fish and Game

**FROM:** Scott Meriwether, Office of the Lieutenant Governor  
465.4081

**DATE:** May 18, 2018

**RE:** Filed Permanent Regulations: Board of Game

A handwritten signature in blue ink, likely belonging to Scott Meriwether.

Board of Game Regulations re: Nov. 10 - 17, 2017 Anchorage Meeting: Statewide  
Regulations (5 AAC 92.003 - 5 AAC 99.025)

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Attorney General File:	JU2017200514
Regulation Filed:	5/18/2018
Effective Date:	7/1/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE ALASKA BOARD OF GAME

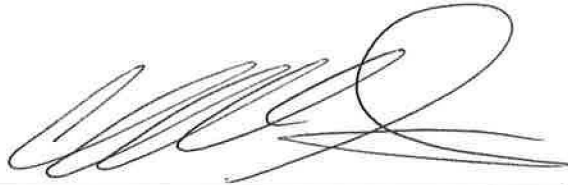
The attached 18 pages of regulations, dealing with the use and taking of game, are hereby adopted and certified to be a correct copy of the regulation changes that the Alaska Board of Game adopted at its November 10-17, 2017 meeting in Anchorage, Alaska, under the authority of AS 16.05.255 and AS 16.05.258 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and AS 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Board of Game paid special attention to the costs of private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on July 1, 2018, as provided in AS 44.62.180.

DATE: 4/5/18  
Juneau, Alaska



Charles O. Swanton, Deputy Commissioner  
Alaska Department of Fish and Game

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on May 18, 2018, at 1625A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott  
Lieutenant Governor

Effective: July 1, 2018.

Register: 226, July 2018

STATE OF ALASKA  
DEPARTMENT OF FISH AND GAME  
P.O. BOX 115526  
JUNEAU, ALASKA 99811

DELEGATION OF AUTHORITY

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING  
REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA  
ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO CHARLES O. SWANTON,  
DEPUTY COMMISSIONER.

SIGNED:

Sam Cotten

SAM COTTEN

(Please print name)

SIGNED AND SWORN TO before me this 2 day of February, 2015

[NOTARY SEAL]

Abby Smith  
Notary Public in and for the  
State of Alaska

My commission expires: with office

STATE OF ALASKA  
OFFICIAL SEAL  
Abby Smith  
NOTARY PUBLIC  
My Commission Expires with office



Note to Publisher: When a subsection, paragraph, subparagraph, etc. is indicated by the appropriate number or letter and no text follows that symbol, then the omitted text is the same as that set out in the previous register containing the section. Amended text to be added is bolded and underlined. Amended text to be deleted is capitalized and enclosed in brackets.

**Title 5. Fish and Game.**

**Part 3. Game.**

**Chapter 92. Statewide Provisions.**

**Article 1. General.**

5 AAC 92.003(a)(2)(A) is amended to read:

(A) is **18** [16] years of age or older and has successfully completed a certified hunter education course; or

5 AAC 92.003(b) is amended to read:

(b) Notwithstanding (a) of this section, a resident hunter who is 10 through 17 years of age at the start of the hunt, and has successfully completed a certified hunter education course, is allowed to hunt on behalf of a permit holder who is at least **18** [16] years of age, under the direct immediate supervision of that permit holder, who is responsible for ensuring that all legal requirements are met.

(Eff. 7/26/97, Register 143; am 7/1/99, Register 150; am 7/1/2000, Register 154; am 7/1/2001, Register 158; am 7/1/2002, Register 162; am 7/1/2004, Register 170; am 7/1/2005, Register 174;



am 7/1/2006, Register 178; am 7/1/2010, Register 194; am 7/1/2012, Register 202; am 7/1/2014, Register 210; am 7/1/2016, Register 218; am 7/1/2017, Register 222; am 7/1/2018, Register 226)

Authority:      ← AS 16.05.255      ← AS 16.55.020

5 AAC 92.005(a)(2) is amended to read:

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

(A) <sup>no bold/underline</sup> repealed 7/1/2018;

(B) to correct an error in a regulation; [OR]

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

(D) if the request identifies a biological concern for the population or a threat to meeting objectives for the population;

(E) if the request identifies an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f); or

(F) if the request identifies an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome because the resource would be unavailable in the future;

5 AAC 92.005(a)(4) is amended to read:

(4) a request must be received by the executive director of the boards support section by November 1 of the regulatory year in which the meeting is scheduled to occur [AT LEAST 60 DAYS BEFORE THE FIRST REGULARLY SCHEDULED MEETING OF THAT YEAR];

5 AAC 92.005(a) is amended by adding two new paragraphs to read:

(6) when considering an agenda change request, the board should take into consideration 5 AAC 96.625(d) and 5 AAC 96.625(e);

(7) if the board accepts an agenda change request, the board will develop and consider proposals for all agenda change requests for those specified regulations.

(Eff. 7/5/85, Register 95; am 5/5/93, Register 126; am 7/1/98, Register 146; am 7/1/2012, Register 202; am 7/1/2015, Register 214; am 7 / 1 /2018, Register 226)

**Authority:** AS 16.05.255

## **Article 2. Licenses, Harvest Tickets, Harvest Reports, Tags, and Fees.**

5 AAC 92.011(a) is amended to read:

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

5 AAC 92.011(k) is amended to read:

(k) Proxy hunting under this section is only allowed for

(1) caribou;

(2) deer; [AND]

(3) moose in Tier II hunts, any-bull hunts, and antlerless moose hunts; **and**

**(4) emperor geese.**

(Eff. 7/1/93, Register 126; am 7/9/95, Register 135; am 6/28/96, Register 138; am 8/19/96, Register 139; am 7/26/97, Register 143; am 7/1/2006, Register 178; am 7/1/2007, Register 182; am 7/1/2010, Register 194; am 7/1/2012, Register 202; am 7/1/2013, Register 206; am 7/1/2014, Register 210; am 7 / 1 /2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.405

5 AAC 92.012(a) is amended to read:

(a) No hunting or trapping license is required of a resident under the age of **18** [16]. An appropriate license and big game tag are required of nonresidents, regardless of age, for hunting and trapping. No person [16 YEARS OF AGE OR OLDER] may take waterfowl unless that person has a current, validated, federal migratory bird hunting stamp or “duck stamp” in possession **as required under federal regulations.**

(Eff. 7/5/85, Register 95; am 8/20/89, Register 111; readopt 5/13/93, Register 126; am 7/1/2010, Register 194; am 7/1/2011, Register 198; am 7/1/2014, Register 210; am 7/1/2016, Register 218; am 7 / 1 /2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.258

AS 16.05.340

### **Article 3. Permits.**

5 AAC 92.031 is amended by adding a new subsection to read:

(g) A person may sell, advertise, or otherwise offer for sale a skull or hide with claws attached of a brown bear harvested in an area where the bag limit is two brown bears per regulatory year only after first obtaining a permit from the department. Any advertisement must include the permit number assigned by the department, and the department will permanently mark all hides and skulls intended for sale. All bears sold under this permit must be reported to the department within the time frame specified on the permit. (Eff. 7/5/85, Register 95; am 5/10/2006, Register 178; am 7/1/2006, Register 178; am 9/1/2006, Register 179; am 7/1/2008, Register 186; am 7/1/2012, Register 202; am 7/1/2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.920

5 AAC 92.037(a) is amended to read:

(a) A permit and valid, current Alaska hunting license is required for taking, transporting, or possessing a raptor for falconry or for practicing falconry in this state. The permit will be issued under standards, procedures, and conditions set out in the Falconry Standards section of the *Alaska Falconry Manual* No. 10 [9], dated July 1, 2018 [2012]; that section of the falconry manual is hereby adopted by reference. Only a bird defined in (f) of this section as a raptor may be taken, transported, imported, exported, held, or possessed for falconry.

5 AAC 92.037(f)(20) is amended to read:

(20) western screech-owl (*Megascops kennicottii*) [(OTUS KENNICOTTII)];

5 AAC 92.037(g)(2) is amended to read:

(2) the nontransferable permit will be issued under standards, procedures and conditions set out in the *Alaska Falconry Manual* No. 10 [9], dated July 1, 2018 [2012]; that manual, including its conditions related to nonresident take, is hereby adopted by reference;

5 AAC 92.037 is amended by adding a new section to read:

(h) all live raptors exported from the state, including propagated birds, must be microchipped.

(Eff. 7/5/85, Register 95; am 8/12/90, Register 115; am 2/28/96, Register 137; am 3/10/96, Register 137; am 6/8/96, Register 138; am 3/30/2002, Register 161; am 7/1/2004, Register 170; am 12/30/2004, Register 172; am 7/1/2008, Register 186; am 7/1/2012, Register 202; am 7/1/2014, Register 210; am 7/1/2015, Register 214; am 7 / 1 /2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.270

AS 16.05.920

5 AAC 92.039(d)(7)(E) is amended to read:

(E) that the applicant is at least 18 [16] years old;

(Eff. 7/5/85, Register 95; am 7/1/92, Register 122; am 5/5/93; Register 126; am 1/22/2004, Register 169; am 7/1/2004, Register 170; am 7 / 1 /2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.783

AS 16.05.920

5 AAC 92.044(b)(3) is amended to read:

(3) a person must be at least 18 [16] years of age to be issued a permit;

5 AAC 92.044 is amended by adding a new subsection to read:



(e) In this section, “equipment” means barrels, tree stands, game cameras, and other items associated with a bear bait station. Tree stands may be left in the field year-round with permission of the landowner or such other person authorized to give permission. (Eff. 7/1/2004, Register 170; am 12/30/2004, Register 172; am 7/1/2005, Register 174; am 5/21/2009, Register 190; am 7/1/2009, Register 190; am 4/14/2010, Register 194; am 7/1/2010, Register 194; am 3/1/2011, Register 197; am 7/1/2011, Register 198; add'l am 7/1/2011, Register 198; am 4/8/2012, Register 201; am 7/1/2012, Register 202; am 7/1/2013, Register 206; 1st add'l am 7/1/2013, Register 206; 2nd add'l am 7/1/2013, Register 206; am 7/1/2014, Register 210; am 7/1/2015, Register 214; am 7/1/2016, Register 218; am 7/1/2017, Register 222; add'l am 7/1/2017, Register 222; am 7 / 1 /2018, Register 226 )

**Authority:** AS 16.05.255

AS 16.05.330

5 AAC 92.050(a)(2)(A) is amended to read:

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

(A) apply for more than six drawing permit hunts for the same species per regulatory year[, WITH NO MORE THAN THREE FOR BULL MOOSE HUNTS];

5 AAC 92.050(a)(3) is amended to read:

(3) the commissioner shall void all applications by one person for more than six hunts for the same species, [OR THREE HUNTS FOR BULL MOOSE AS DESCRIBED IN (2)(A) OF THIS SUBSECTION,] and all applications by one person for more than one moose hunt for a nonresident in Unit 23;

(Eff. 7/5/85, Register 95; am 7/3/86, Register 99; am 4/24/88, Register 106; am 8/12/90, Register 115; am 8/10/91, Register 119; am 7/1/92, Register 122; readopt 5/13/93, Register 126; am 7/1/93, Register 126; am 7/7/94, Register 131; am 7/8/95, Register 135; am 6/28/96, Register 138; am 1/1/97, Register 140; am 3/25/98, Register 145; am 7/1/2000, Register 154; add'l am 7/1/2000, Register 154; am 7/1/2004, Register 170; am 11/1/2004, Register 172; am 12/30/2004, Register 172; am 7/1/2005, Register 174; am 7/1/2006, Register 178; add'l am 7/1/2006, Register 178; am 1/14/2007, Register 181; am 7/1/2007, Register 182; am 1/1/2008, Register 184; am 7/1/2008, Register 186; am 7/1/2009, Register 190; am 2/4/2011, Register 197; am 7/1/2012, Register 202; am 7/1/2014, Register 210; am 7/1/2016, Register 218; am 7 / 1 /2018, Register 226)

<b>Authority:</b>	AS 16.05.255	AS 16.05.330	AS 16.05.407
	AS 16.05.258	AS 16.05.343	

5 AAC 92.052(15) is amended to read:

(15) the permit applicant must hold a valid Alaska hunting license; however, this does not apply to a resident under the age of 18 [16]; an applicant's hunting license number must be entered on the permit application; a resident under the age of 18 [16] shall enter his or her age instead of a license number;

(Eff. 7/5/85, Register 95; am 8/20/89, Register 111; am 7/1/92, Register 122; am 6/28/96, Register 138; am 7/1/2000, Register 154; am 7/1/2002, Register 162; am 7/1/2004, Register 170; am 7/1/2005, Register 174; am 7/1/2006, Register 178; am 7/1/2007, Register 182; am 7/1/2008, Register 186; am 7/1/2011, Register 198; am 7/1/2012, Register 202; add'l am 7/1/2012, Register 202; am 7 / 1 /2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.330

5 AAC 92.072(c)(1)(A) is amended to read:

(A) provide to the department the names of residents or members subscribing to the community harvest permit and the residents' or members' hunting license numbers, permanent hunting identification card numbers, or customer service identification numbers, or for those residents or members under 18 [16] years of age, the resident or member's birth date;

(Eff. 7/1/2000, Register 154; am 7/1/2002, Register 162; am 7/1/2007, Register 182; am 7/1/2009, Register 190; am 7/1/2011, Register 198; add'l am 7/1/2011, Register 198; am 7/1/2013, Register 206; am 7/1/2015, Register 214; add'l am 7/1/2015, Register 214; em am 2/24/2017 – 6/23/2017, Register 221; am 7/1/2017, Register 222; am 7/1 /2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.330

AS 16.05.340

AS 16.05.258

#### **Article 4. Methods and Means.**

5 AAC 92.080(7) is repealed and readopted to read:

(7) with the aid of

(A) a pit;

(B) a fire;

(C) artificial light, except that artificial light may be used

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

(ii) by a tracking dog handler with one leashed dog to aid in tracking and dispatching a wounded big game animal;

(iii) to aid in tracking, recovering, and dispatching a wounded game animal without the use of a motorized vehicle;

(iv) by a resident hunter taking black bear under customary and traditional use activities at a den site from October 15 through April 30 in Unit 19(A), that portion of the Kuskokwim River drainage within Unit 19(D) upstream from the Selatna River drainage and the Black River drainage, and in Units 21(B), 21(C), 21(D), 24, and 25(D);

(D) laser sight, except that

(i) a rangefinder may be used;

(E) electronically enhanced night vision;

(F) any forward looking infrared device;

(G) any device that has been airborne, controlled remotely, or communicates wirelessly, and is used to spot or locate game with the use of a camera or video device;

(H) any camera or other sensory device that can send messages through wireless communication;

(I) wireless communication to take a specific animal by a person until after 3:00 a.m. following the day after the use of the device, except that

(i) in a unit 20(D) bison hunt, the use of ground-based radio communications, including cellular or satellite telephones, to locate bison is allowed;

(ii) in targeted moose hunts in 5 AAC 85.045, the use of ground-based wireless communication to locate individual animals is allowed;

(J) artificial salt lick;

(K) explosive;

(L) expanding gas arrow;

(M) bomb;

(N) smoke;

(O) chemical (excluding scent lures);

(P) a conventional steel trap with an inside jaw spread over nine inches; or

(Q) a killer style trap with an inside jaw spread over 13 inches;

(Eff. 7/5/85, Register 95; am 6/19/86, Register 98; am 8/8/87, Register 103; am 8/20/89, Register 111; am 8/12/90, Register 115; am 7/1/92, Register 122; readopt 5/13/93, Register 126; am 7/7/94, Register 131; am 4/25/96, Register 138; am 7/1/98, Register 146; am 7/1/2000, Register 154; 1st add'l am 7/1/2000, Register 154; 2nd add'l am 7/1/2000, Register 154; am 7/1/2001, Register 158; am 7/1/2002, Register 162; add'l am 7/1/2002, Register 162; am 7/1/2003, Register 166; am 7/1/2004, Register 170; add'l am 7/1/2004, Register 170; am 1/1/2005, Register 172; am 7/1/2005, Register 174; em am 1/26/2006 – 5/25/2006, Register 177; am 4/12/2006, Register 178; am 7/1/2006, Register 178; am 12/1/2006, Register 180; am 7/1/2007, Register 182; am 5/20/2008, Register 186; am 7/1/2008, Register 186; add'l am 7/1/2008, Register 186; am 7/1/2009, Register 190; add'l am 7/1/2009, Register 190; am 7/1/2010, Register 194; am



7/1/2011, Register 198; am 7/1/2012, Register 202; am 7/1/2014, Register 210; am 7/1/2016, Register 218; am 7/1/2017, Register 222; am 7 / 1 /2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.258

AS 16.05.920

The introductory language of 5 AAC 92.085(8) is amended to read:

(8) a person who has been airborne may not take or assist in taking a big game animal and a person may not be assisted in taking a big game animal by a person who has been airborne until after 3:00 a.m. following the day in which the flying occurred, and from August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season, however, aircraft other than helicopters may be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep. The **Board of Game finding 2016-213-BOG**, dated March 17, 2016, is adopted by reference. **This prohibition does not prohibit any flight maneuvers that are necessary to make an informed and safe landing in the field.**

Restrictions in this paragraph do not apply to

...

Publisher: The remainder of 5 AAC 92.085(8) is unchanged.

5 AAC 92.085 is amended by adding a new paragraph to read:

(18) with an airbow. (Eff. 7/5/85, Register 95; am 8/8/87, Register 103; am 8/14/88, Register 107; am 8/20/89, Register 111; am 3/14/90, Register 113; am 8/10/90, Register 115; am 8/12/90, Register 115; am 8/10/91, Register 119; add'l am 8/10/91, Register 119; am 7/1/92, Register 122; add'l am 7/1/92, Register 122; readopt 5/13/93, Register 126; am 7/7/94, Register

131; am 1/13/95, Register 133; am 4/25/96, Register 138; am 7/1/96, Register 138; am 8/1/96, Register 139; am 7/26/97, Register 143; am 7/1/99, Register 150; am 7/1/2000, Register 154; add'l am 7/1/2000, Register 154; am 3/17/2001, Register 157; am 7/1/2001, Register 158; am 8/22/2001, Register 159; am 7/1/2002, Register 162; add'l am 7/1/2002, Register 162; am 12/22/2002, Register 164; am 5/1/2003, Register 166; am 7/1/2003, Register 166; add'l am 7/1/2003, Register 166; am 7/1/2004, Register 170; am 7/1/2006, Register 178; am 9/1/2006, Register 179; am 7/1/2007, Register 182; am 12/1/2007, Register 184; am 7/1/2008, Register 186; am 7/1/2009, Register 190; am 7/1/2012, Register 202; add'l am 7/1/2012, Register 202; am 7/1/2013, Register 206; am 7/1/2014, Register 210; am 7/1/2015, Register 214; am 7/1/2016, Register 218; am 7 / 1 /2018, Register 226 )

**Authority:** AS 16.05.255

AS 16.05.270

AS 16.05.920

AS 16.05.258

AS 16.05.790

#### **Article 6. Possession and Transportation.**

5 AAC 92.130(e) is amended to read:

(e) A hunter who is under 10 years of age may take big game only under the direct, immediate supervision of a licensed hunter who is at least **18** [16] years of age. The supervising hunter is responsible for ensuring that all legal requirements are met. The big game animal taken will count against the supervising hunter's bag limit. This section does not relieve an individual from complying with big game tag requirements, but does require a supervising hunter to validate the hunter's harvest ticket, or permit, in accordance with 5 AAC 92.010, immediately following the taking of big game under this section.

(Eff. 6/19/86, Register 98; am 8/8/87, Register 103; am 8/20/89, Register 111; am 8/12/90, Register 115; readopt 5/13/93, Register 126; am 7/1/2002, Register 162; am 7/1/2005, Register 174; am 7/1/2006, Register 178; am 7/1/2007, Register 182; add'l am 7/1/2007, Register 182; am 7/1/2011, Register 198; am 7/1/2014, Register 210; am 7/1/2016, Register 218; am 7/1/2017, Register 222; am 7/1/2018, Register 226)

**Authority:** AS 16.05.255 AS 16.05.258

#### **Article 7. Use of Game.**

5 AAC 92.200(b)(1) is amended to read:

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

(1) any part of a brown bear, except an article of handicraft made from the fur of a brown bear, and except skulls and hides with claws attached of brown bears harvested in areas where the bag limit is two bears per regulatory year by permit issued under 5 AAC 92.031; (Eff. 7/5/85, Register 95; am 11/1/85, Register 96; am 8/8/87, Register 103; am 7/14/88, Register 107; am 8/20/89, Register 111; am 8/10/91, Register 119; am 5/5/93, Register 126; readopt 5/13/93, Register 126; am 7/1/98, Register 146; am 7/1/2002, Register 162; am 7/1/2003, Register 166; am 7/1/2004, Register 170; am 12/30/2004, Register 172; am 7/1/2010, Register 194; am 7/1/2012, Register 202; add'l am 7/1/2012, Register 202; am 7/1/2013, Register 206; am 7/1/2014, Register 210; am 7/1/2016, Register 218; am 7/1/2018, Register 226)

**Authority:** AS 16.05.255 AS 16.05.920 AS 16.05.930  
AS 16.05.258

**Article 20. Definitions.**

5 AAC 92.990(a)(13) is amended to read:

(13) "brow tine" means a tine emerging from the first branch or brow palm on the main beam of a moose antler; the brow palm is separated from the main palm by a wide bay; a tin originating in or after this bay is not a brown tine; **an antler point or tine originating within two inches from the base, and less than three inches in length, will not be counted as a brow tine;**

5 AAC 92.990(a)(26) is amended to read:

(26) "edible meat" means, in the case of a big game animal, except a bear, the meat of the ribs, neck, brisket, front quarters, hindquarters, and the meat along the backbone between the front and hindquarters; in the case of a bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of small game birds, except for cranes, geese, and swan, the meat of the breast; in the case of cranes, geese, and swan, the meat of the breast, **back,** [AND] **the** meat of the femur and tibia-fibula (legs and thighs), **and the meat of the wings, excluding the metacarpals;** however, "edible meat" of big game or small game birds does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

5 AAC 92.990(a)(46) is amended to read:

(46) "moose antler" definitions:



(A) "50-inch antlers" means the antlers of a bull moose with a spread of 50 inches or more measured in a straight line perpendicular to the center line of the skull;

(B) "spike-fork antlers" means antlers of a bull moose with only one or two tines on at least one antler; [AN ANTLER POINT OR TINE ORIGINATING WITHIN TWO INCHES FROM THE BASE, AND LESS THAN THREE INCHES IN LENGTH, WILL NOT BE COUNTED AS A TINE] male calves are not considered spike-fork bulls; **spike-fork bulls can be either spike or fork on both sides, or spike and fork;**

(C) "spike" means antlers of a bull moose with only one tine on at least one antler; for the purposes of this subparagraph, male calves are not considered spike bulls;

**(D) "fork" means antlers of a bull moose with only two tines on at least one antler;**

5 AAC 92.990(a)(61) is amended to read:

(61) "point" means any antler projection that is at least one inch long, and that is longer than it is wide, measured one inch or more from the tip; **an antler point or tine originating within two inches from the base, and less than three inches in length, will not be counted as a tine;**

5 AAC 92.990(a) is amended by adding a new paragraph to read:

(88) "wireless communication" means electronic communication of any form that is transmitted through the air without requiring any cable or wires between two or more devices;



(Eff. 7/5/85, Register 95; am 6/19/86, Register 98; am 7/3/86, Register 99; am 8/8/87, Register 103; am 4/24/88, Register 106; am 7/14/88, Register 107; am 8/20/89, Register 111; am 8/10/90, Register 115; am 8/12/90, Register 115; am 1/17/91, Register 117; am 8/10/91, Register 119; add'l am 8/10/91, Register 119; am 7/1/92, Register 122; am 5/5/93, Register 126; am 7/7/94, Register 131; am 7/8/95, Register 135; am 7/9/95, Register 135; am 6/28/96, Register 138; am 7/1/97, Register 142; am 7/26/97, Register 143; am 10/4/97, Register 144; am 7/1/98, Register 146; add'l am 7/1/98, Register 146; am 7/1/2000, Register 154; am 7/1/2001, Register 158; am 7/1/2002, Register 162; am 7/1/2003, Register 166; am 7/1/2004, Register 170; am 7/1/2005, Register 174; am 7/1/2007, Register 182; add'l am 7/1/2007, Register 182; am 9/13/2007, Register 183; am 12/2/2007, Register 184; am 7/1/2008, Register 186; am 7/1/2010, Register 194; am 7/1/2011, Register 198; 1st add'l am 7/1/2011, Register 198; 2nd add'l am 7/1/2011, Register 198; am 7/1/2012, Register 202; add'l am 7/1/2012, Register 202; am 7/1/2013, Register 206; add'l am 7/1/2013, Register 206; am 7/1/2014, Register 210; am/readopt 10/23/2014, Register 212; am 7/1/2016, Register 218; am 7 / 1 /2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.258

## **Part 7. Subsistence Hunting, Fishing, and Trapping.**

### **Chapter 99. Subsistence Uses.**

5 AAC 99.025(a)(12) is amended by adding a new subparagraph to read:

**AMOUNT  
REASONABLY  
NECESSARY FOR  
SUBSISTENCE**

**SPECIES & UNIT****FINDING****USES****(12) Small Game****(I) Migratory game birds**

All units with a harvestable portion

except within the nonsubsistence

areas as defined in 5 AAC 99.015

positive

5 AAC 99.025(a)(14)(B) is repealed:

**(14) Unclassified Game**

(B) repealed 7/1/2018.

(Eff. 8/8/87, Register 103; am 7/14/88, Register 107; am 8/20/89, Register 111; am 10/27/90, Register 116; am 8/10/91, Register 119; am 5/13/93, Register 126; am 10/4/97, Register 144; am 7/1/98, Register 146; am 7/1/2000, Register 154; am 1/1/2001, Register 156; am 7/1/2001, Register 158; am 7/1/2002, Register 162; am 7/1/2003, Register 166; am 7/1/2004, Register 170; am 7/1/2006, Register 178; add'l am 7/1/2006, Register 178; am 7/1/2007, Register 182; add'l am 7/1/2007, Register 182; am 7/1/2008, Register 186; add'l am 7/1/2008, Register 186; am 7/1/2009, Register 190; add'l am 7/1/2009, Register 190; am 7/1/2010, Register 194; add'l am 7/1/2010, Register 194; am 7/1/2011, Register 198; am 7/1/2012, Register 202; 1st add'l am 7/1/2012, Register 202; 2nd add'l am 7/1/2012, Register 202; am 7/1/2014, Register 210; add'l am 7/1/2014, Register 210; am 7/1/2015, Register 214; 7/1/2016, Register 218; am 7/1/2017, Register 222; add'l am 7/1/2017, Register 222; am 7/1/2018, Register 226)

**Authority:** AS 16.05.255

AS 16.05.258

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Byron Mallott  
Lieutenant Governor  
(hand delivery)

**Date:** May 15, 2018

**File No.:** JU2017200514

**Tel. No.:** 465-3600

**From:** Susan R. Pollard *SRP*  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Re:** Board of Game Regulations re:  
Nov. 10 - 17, 2017 Anchorage  
Meeting: Statewide Regulations  
(5 AAC 92.003 – 5 AAC 99.025)

We have reviewed the attached regulations from the Board of Game against the statutory standards of the Administrative Procedure Act. The regulations concern the use and taking of game in Alaska.

Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

Please note the April 5, 2018 certification of adoption order sets out an effective date of July 1, 2018 for the regulations. Therefore, the history note following each section will need to reflect this date. This is the first of an expected two Board of Game regulations projects that will have amendments effective July 1, 2018. The publisher should pay strict attention to ensure that the changes to existing regulations are made in consecutive order so that the regulations are printed correctly in the July register.

The October 8, 2017 public notice and the April 5, 2018 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:ljm

cc w/enc: (via email)

Honorable Sam Cotten, Commissioner, Dept. of Fish and Game

Kristy Tibbles, Executive Director, Board of Game, Dept. of Fish and Game

Shellene Hutter, Fishery Regulations Program Coordinator, AAC Contact, Dept. of Fish and Game

Natalie Weber, Regulations Program Coordinator, Division of Wildlife Conservation, Dept. of Fish and Game

Lisa Olson, Deputy Director, Division of Subsistence, Dept. of Fish and Game

Enforcement Commander, Division of Alaska Wildlife Troopers, Dept. of Public Safety

Adam Peterson, Assistant Attorney General, Office of Special Prosecution, Dept. of Law

Cheryl Brooking, Assistant Attorney General, Natural Resources Section, Dept. of Law

**ALASKA DEPARTMENT OF FISH & GAME**

Boards Support Section  
PO Box 115526  
Juneau AK 99811-5526



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**NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**  
**OF THE ALASKA BOARD OF GAME**

November 10–17, 2017 Statewide Regulations Meeting

The Alaska Department of Fish and Game (ADF&G) administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The department administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972.

If you believe you have been discriminated against in any program, activity, or facility please write:

- ADF&G ADA Coordinator, P.O. Box 115526, Juneau, AK 99811-5526
- U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042, Arlington, VA 22203
- Office of Equal Opportunity, U.S. Department of the Interior, 1849 C Street NW MS 5230, Washington DC 20240.

The department's ADA Coordinator can be reached via phone at the following numbers:

- (VOICE) 907-465-6077
- (Statewide Telecommunication Device for the Deaf) 1-800-478-3648
- (Juneau TDD) 907-465-3646
- (FAX) 907-465-6078

For information on alternative formats and questions on this publication, please contact the following:  
Alaska Department of Fish and Game, Division of Boards Support at (907) 465-4110.



## **NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF GAME**

Notice is given that the Alaska Board of Game, under the authority of Title 16, Alaska Statutes, proposes to adopt, amend, or repeal regulations in Title 5 of the Alaska Administrative Code which implement, interpret or make specific the provisions of Title 16.

The Board of Game may adopt, amend, repeal, or take no action on the subject matters listed below. Regulations to be the subject of board action concern the use or taking of game and include the following:

- A. **METHODS AND MEANS FOR TAKING BIG GAME, GAME, FUR ANIMALS, AND FURBEARERS**, including: Lawful methods of taking big game and game including restrictions on the use of cellular and satellite devices, aircraft, airguns, air bows, archery, crossbows, and muzzleloaders; and the taking of bears in dens. Also in this section, lawful methods of taking furbearers and fur animals including same day airborne take of wolves and wolverine; land and shoot requirements for taking coyotes; the taking of non-target species, and with the use of bow and arrow.
- B. **PERMITS, PERMIT HUNT CONDITIONS, AND PROCEDURES** including: Discretionary and required hunting permit conditions and procedures; special provisions for drawing hunts for sheep, goat, brown bear, and moose; permit allocation for residents and nonresidents including second degree of kindred relatives; nonresident guide requirements; restrictions on the number of permit applications; permits for taking wolves using aircraft; permits for possessing live game including hedge hogs, feral game, and the release of feral or stray cats to the wild; permits for falconry including the capture of raptors by nonresidents and changes to the ADF&G Alaska Falconry Manual; permit point system for drawing hunts; party permit hunts; permits for hunting bear with the use of bait including a new definition for "equipment"; bag limits for recipients of Governor's tags; permits for selling skins, skulls, and trophies; and permits for taking big game for religious and other potlatches and ceremonies. Also in this section, community subsistence harvest hunt permits conditions; Tier II subsistence hunting permit point system; and provisions for subsistence hunting priority.
- C. **POSSESSION, TRANSPORTATION, AND USE OF GAME** including: The restriction for taking bear cubs and female bears with cubs; sealing of horns and antlers; transfer of possession requirements; salvage of game meat, furs, and hides; sale of brown bear parts; and restrictions to bag limit including sheep, and bag limits for nonresident hunters hunting with resident relatives.
- D. **LICENSES, HARVEST TICKETS, HARVEST REPORTS, TAGS, and FEES** including: Harvest ticket requirements for brown bear; waterfowl conservation tag; and taking of game by proxy.
- E. **INTENSIVE MANAGEMENT AND PREDATOR CONTROL IMPLEMENTATION PLANS** including: Hunting restrictions and special provisions for predation control areas.
- F. **REGULATORY DEFINITIONS** including: "Bag limit", "youth hunt", "regulatory year", "edible meat", "equipment" for bear baiting, "community" and "group" for community subsistence harvest hunts, "brow tine", "50-inch antlers", spike-fork antlers", "spike", and "fork".
- G. **CUSTOMARY AND TRADITIONAL USES OF GAME POPULATIONS** including but not limited to: Customary and traditional use findings for migratory game birds in all Game Management Units;



H. GENERAL AND MISCELLANEOUS PROVISIONS including: Hunter education and orientation requirements; licenses and tags; season openings by emergency order; and the policy for changing board agenda.

In addition to the statewide topics described above, the Board of Game will also address a proposal deferred from a previous meeting requesting a closure to caribou hunting alongside the Taylor Highway in Unit 20.

The board may need to modify other regulations to conform with changes made to statewide regulations related to the topics above.

The board will also take action on non-regulatory items during this meeting such as findings including proposed changes to the Nonresident Drawing Permit Allocation Policy (#2007-173-BOG), letters, and delegations, typically at the end of the meeting under miscellaneous business but action may occur earlier in the meeting if necessary.

The proposed regulation changes are available on the Board of Game website at [www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=11-10-2017&meeting=anchorage](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=11-10-2017&meeting=anchorage), or from the ADF&G Boards Support Section Office at (907) 465-4110. Additional meeting information will be added to the website as it becomes available.

You may comment on the proposed regulations including the potential costs to private persons of complying with the proposed changes by submitting written comments, limited to no more than 100 single sided or 50 double sided pages, to the Alaska Board of Game, Boards Support Section at P.O. Box 115526, Juneau, AK 99811-5526. Comments can also be submitted online at [www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov), by fax to (907) 465-6094, or emailed to [dfg.bog.comments@alaska.gov](mailto:dfg.bog.comments@alaska.gov) (PDF format only). **Comments must be received by Friday, October 27, 2017 to be included in the board workbook.**

Submission of written comments after the October 27, 2017 deadline is limited to ten single-sided or five double-sided pages in length from any one individual or group and will be provided to the board members at the beginning of the meeting. During the meeting, written comments from any one individual or group may be submitted by hand delivery if 20 copies are provided. Written comments that are submitted are public records and are subject to public inspection.

The Board of Game shall consider all factual, substantive, and relevant comments in accordance with the Administrative Procedure Act, Alaska Statute 44.62.210. Comments having disparaging statements or personal attacks will be withheld or redacted.

The public hearing portion of the meeting is scheduled for the beginning of the meeting following staff reports, and will continue until everyone who has signed up and is present when called has been given the opportunity to be heard. However, state advisory committee representatives may elect to provide testimony at a later portion of the meeting. Additional public hearings may be held throughout the meeting just before consideration and adoption of proposed changes in the regulations. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at the meeting. The length of oral statements may be limited to three to five minutes, or less for the public and 10 to 15 minutes or less for fish and game advisory committee and federal regional advisory council representatives. Everyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments if they wish to have their views considered by the board.

## **TENTATIVE MEETING SCHEDULE**

**Statewide Regulations Meeting  
November 10-17, 2017  
Lakefront Anchorage, Redington Ballroom  
4800 Spenard Road  
Anchorage, Alaska 99517**

Any changes to meeting location, dates or times, or rescheduling of topics or subject matter will be announced by news release and posted on the board's website. Please watch for these announcements or call (907) 465-4110. Please carefully review the **PROPOSAL INDEX and the additional proposal listing on the above-mentioned website** for all specific proposal issues to be addressed by the board.

Anyone interested in or affected by subsistence and general hunting or trapping regulations is hereby informed that, by publishing this legal notice the Board of Game may consider any or all of the subject areas covered by this notice. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR STAFF.** Pursuant to AS 44.62.200, the board may review the full range of activities appropriate to any of the subjects listed in this notice. The board may make changes to the hunting and trapping regulations as may be required to ensure the subsistence priority in AS 16.05.258 including reexamining customary and traditional use findings and determinations for amounts reasonably necessary for subsistence use. After the public hearing, the Board of Game may adopt these or other provisions dealing with the same subject, without further notice, or amend, reject, supplement, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU ARE ENCOURAGED TO COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

If you are a person with a disability who may need special accommodations in order to participate in this process, please contact ADF&G, Boards Support Section at (907) 465-4110 no later than two weeks prior to the beginning of the meeting to ensure that any necessary accommodations can be provided.

**Statutory Authority:** AS 16.05, AS 16.30.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 16.05.255; AS 16.05.256; AS 16.05.258; AS 16.05.330; AS 16.05.340; AS 16.05.346; AS 16.05.405; AS 16.05.407; AS 16.05.783; and AS 16.30.010 – .030.

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: October 6, 2017



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Kristy Tibbles, Executive Director  
Alaska Board of Game  
465-4110

**ADDITIONAL REGULATIONS NOTICE INFORMATION**  
**(AS 44.62.190(d))**


1. Adopting agency: Alaska Board of Game
2. General subject of regulation: Statewide hunting and trapping regulations and other miscellaneous provisions.
3. Citation of regulations: 5 AAC 85, 92, and 99
4. Department of Law file numbers: JU2017200514
5. Reason for the proposed action:
  - ☐ compliance with federal law
  - ☐ compliance with new or changed state statute
  - ☐ compliance with court order
  - ☐ development of program standards
  - ☒ other: Regularly scheduled topics and other miscellaneous provisions for the Board of Game Statewide Regulations Meeting. Implement, interpret, or make specific the provisions of AS 16.05-16.30.
6. Appropriation/Allocation: Natural Resources and all RDUs
7. Cost of implementation to the state agency and available funding: It is not possible to estimate costs. However, this action is not expected to require an increased appropriation.
8. The name of the contact person for the regulations:

Name: Kristy Tibbles  
Title: Executive Director, Board Game  
Address: Boards Support Section  
Alaska Dept. of Fish and Game  
PO Box 115526  
Juneau, AK 99811-5526  
Telephone: (907) 465-4110  
E-mail: kristy.tibbles@alaska.gov

9. The origin of the proposed action:

☒ staff of state agency  
☒ federal government  
☒ general public

10. Date: October 6, 2017

Prepared by:   
Kristy Tibbles, Executive Director  
Alaska Board of Game  
465-4110



)

) ss.

## 1<sup>st</sup> JUDICIAL DISTRICT

)

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS  
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Kristy Tibbles, Executive Director of the Alaska Board of Game, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes dealing with the use and taking of game has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);

As required by AS 44.62.190(g), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

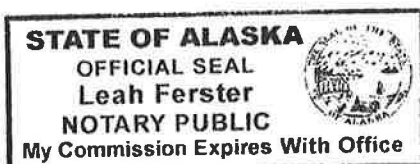
DATE: 8/13/18  
Juneau, Alaska

Juneau, Alaska

  
Kristy Tibbles, Executive Director

Kristy Tibbles, Executive Director

SUBSCRIBED AND SWORN TO before me this 13 day of February, 2018.



Lois Fenster  
Notary Public in and for the  
State of Alaska

My commission expires: with office



)  
) ss.  
)

Leah Fersten  
Notary Public in and for the  
State of Alaska  
My commission expires: with office



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# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisa Hartlieb  
being first duly sworn on oath deposes and  
says that he/she is a representative of the  
Alaska Dispatch News, a daily newspaper.  
That said newspaper has been approved  
by the Third Judicial Court, Anchorage,  
Alaska, and it now and has been published  
in the English language continually as a  
daily newspaper in Anchorage, Alaska, and  
it is now and during all said time was  
printed in an office maintained at the  
aforesaid place of publication of said  
newspaper. That the annexed is a copy of  
an advertisement as it was published in  
regular issues (and not in supplemental  
form) of said newspaper on

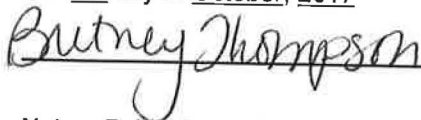
October 08, 2017

and that such newspaper was regularly  
distributed to its subscribers during all of  
said period. That the full amount of the fee  
charged for the foregoing publication is not  
in excess of the rate charged private  
individuals.

Signed



Subscribed and sworn to before me  
this 9th day of October, 2017



Notary Public in and for  
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

BRITNEY L. THOMPSON  
State of Alaska

My Commission Expires Feb 23, 2019

## NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF GAME

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the subsistence priority in AS 16.05.258 including reexamining customary and traditional use findings and determinations for amounts reasonably necessary for subsistence use. After the public hearing, the Board of Game may adopt these or other provisions dealing with the same subject, without further notice, or amend, reject, supplement, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU ARE ENCOURAGED TO COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

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**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: October 6, 2017  
Kristy Tibbles, Executive Director  
Alaska Board of Game  
465-4110

Published: October 8, 2017