

2 February, 2013

Emergency Petition to the Board of Game

Mr. Chairman and members of The Board of Game

We are requesting an emergency review of a current regulation 5 AAC 92.095 (12). We will concede that our request does not exactly conform to what constitutes an "emergency" under 5 AAC 96.625 (f). But we also recognize the Joint Broads could not make a regulation that could recognize all cases of emergencies.

But just as rare as an emergency petition being accepted by the BOG, is a situation as where a regulation's intent is different than the written regulation.

In a very short time, the Fairbanks, Copper River Basin, Middle Nenana, Delta and the Mat-Valley Fish and Game Advisory Committees have agreed the BOG should address this petition as a unique emergency in nature. (With more time we believe there would be many more Advisory Committees that would have supported this petition)Whereas the interpretation vs. the letter of the regulation have effected two government divisions that deal with wildlife and thousands of Alaskan trappers of what are their obligations.

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

(12) by placing or leaving an active trap or snare set on land or ice that is within 300 feet of the site at which a moose, caribou, or deer was [TAKEN] **incidentally taken** using a trap or snare; this prohibition applies for the duration of the regulatory year in which the moose, caribou, or deer was [TAKEN] **incidentally taken** using the trap or snare;

Add a definition, in this section of regulation 5 AAC 92.095

Incidentally taken means a moose, caribou, or deer that was caught by a snare or trap and is found dead or had to be euthanized.

ISSUE: A trapper who *takes* a moose, caribou, or deer in a snare or trap and it frees itself or is released. Should the trapper be obligated to remove all traps and snare within 300 feet of the site?

Because the word *taken* is used in the regulation some of those in Wildlife Protection correctly use the definition as defined in AS 16.05.940(34)

"take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

We believe the intent of the regulation is not to make a trapper remove traps or snares if the moose, caribou, or deer breaks free or is released. In fact Division of Wildlife Conservation, Alaska Trappers Association, and individual trappers have been jointly involved in the creation of new break-away snare systems to prevent the mortality of moose, caribou, and deer from trapping efforts. There is also an effort, though educational programs and seminars, to educate trappers on how to build these snare systems and how they work. These programs also teach how to identify good snare/trap locations for fur bearers with very minimal chance of incidentally taking a moose, caribou, or deer. Also how to divert moose, caribou and deer from being possibly caught, and how to be a responsible trapper.

We also cannot comprehend how a trapper will profit from a moose, caribou or deer that breaks free or is released from the site. All that will be at the site is a disturbance and possibly some scent.

Reason for an emergency petition:

1. We missed the window to submit an ACR for this year. The next possible time we could submit an ACR for this issue would be 45 days before the January 2014 meeting.
2. 5 AAC 92.095 is in cycle B schedule for 2016 for proposed changes.
3. There is a difference of interpretation of the current regulation among Division of Wildlife Protection posts and or individual troopers and Division of Wildlife Conservation publishes a trapping regulations hand book that deviates from the letter of the regulation but paraphrases the intent of the regulation. (Page 14 of current Alaska trapping regulations hand book)
4. We are asking for a regulatory change this year so Division of Wildlife Protection, Division of Wildlife Conservation and Alaskan trappers are all clear on their obligations to the wildlife resources for the next regulatory trapping season.

Sincerely

Fairbanks Fish and Game Advisory Committee

Al Barrette, Vice Chairman (POC)

907-452-6047

Supported by:

Fairbanks Fish and Game Advisory Committee

Virgil Umphenour , Chairman

Copper Basin Fish and Game Advisory Committee

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