



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Public Safety  
DIVISION OF ALASKA WILDLIFE TROOPERS  
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Mr. Jake Fletcher  
Chairman – Alaska Board of Game

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Mr. Chair and members of the board. Please see the attached comments from the Department of Public Safety, Division of Alaska Wildlife Troopers (AWT) concerning proposals before the board during the upcoming Statewide Board of Game meeting. AWT recognizes that regulations are developed by the Alaska Boards of Fish and Game through the public process to support management plans. Management plans rely upon compliance with regulations to achieve success and enforcement is a crucial element to ensure long-term compliance with regulations by the public. The Alaska Wildlife Troopers request the board recognize that the division has limited resources and manpower, and any new regulation scheme or area restrictions may place an additional burden on AWT and directly impact enforcement efforts in other areas of concern. AWT generally is neutral in position on proposals having to do with allocation or biological concerns and will not have a written comment except when concerns exist in proposed language that may cause unintended enforcement challenges. AWT generally is opposed to changes which are viewed as having a negative impact on the divisions ability to enforce existing or future regulations.

**Proposal 87:** This proposal seeks to add language to 5AAC 92.100 – Unlawful Methods Waterfowl, Snipe and Cranes to prohibit a motorized vessel from moving under any means while within 100 yards of anyone hunting waterfowl.

AWT opposes this change due to several enforcement concerns. First, the liability is not specified and the language used could lead to unavoidable violations outside the control of a waterfowl hunter. As written, a family traveling by riverboat to moose camp who passed by an unseen waterfowl hunter on shore within 100 yards would technically cause a violation to have occurred. In this example the hunter had no control over the fact that a boat operated by another person was in the vicinity. A person cannot be held liable for a violation that they had no part or control in. It would be nearly impossible for enforcement to prove the necessary culpable mental state in such situations to enforce this regulation. Further, the proposed language does not allow for natural movement of a motorized vessel due to wind or water currents. As written, a power boat that was being blown slightly across a lake by the wind would no longer be “stationary” and thus anyone hunting from such a platform would be in violation.

It is already a violation of hunting regulations to take waterfowl from a watercraft that is under power or in motion as a result of being under power.

**Proposal 89** – Seeks to change hunter education and orientation requirements to require non-resident moose hunters to have completed a hunter orientation course AND be accompanied by a registered guide or resident family member within the second degree of kindred.

This proposal asks the board to modify the list of big-game species for which a non-resident must be accompanied by a registered guide to harvest, beyond what is already listed in AS 16.05.407.

AWT is neutral as to adding statewide requirements for non-resident hunters to attend an approved hunter orientation course. The added effect of this proposal however is to require all non-resident moose hunters to hire and be accompanied by a registered big game guide and to still successfully complete a department approved species identification, judgment, and meat care course. AWT is also neutral to this addition if that is the intent of the board, however it is our believe that if adopted, this change may prove confusing to many non-resident hunters and cause financial disruptions to numerous businesses that cater to non-resident moose hunters, including licensed big game transporters and air taxi operators.

**Proposals 97/98**– Both seek to modify 5AAC 92.085(8) concerning use of aircraft to locate or scout for Dall Sheep. Proposal 97 changes the dates to Aug 1 – Sept 20<sup>th</sup> and Proposal 98 changes the dates to Aug 1 – Oct 15<sup>th</sup> respectively.

AWT is neutral on both proposals as they merely seek to change effective dates of a regulation that already exists. AWT will comment that since the board first passed the restriction on use of aircraft to scout for Dall Sheep, only one prosecutable case has been brought just this past (2024) season.

**Proposal 99** – This proposal seeks to modify the language in 5AAC 92.085(8) to shorten the time period when aircraft may not be used to locate Dall Sheep from August 10<sup>th</sup> – September 20<sup>th</sup> to August 10<sup>th</sup> – August 20<sup>th</sup>, after which “August 21<sup>st</sup> through September 20<sup>th</sup> aircraft cannot intentionally approach any closer than 1500 feet or 500 yards from any sheep for the purpose of hunting them.”

AWT is neutral regarding modifying dates that use of an aircraft to locate game is prohibited. AWT is opposed to the suggested additional prohibitions suggested regarding distances that aircraft may approach due to them being virtually unenforceable. The new prohibitions suggested would prove even more difficult to enforce than the total prohibition that currently exists. First, the suggested language uses the term “intentionally”. Intent is the most difficult culpable mental state to prove in any prosecution and is a higher level than “knowingly”, “recklessly”, or “negligently”. It would be virtually impossible to prove that an aircraft was closer than the established distance from an animal and neither a pilot, enforcement, or a potential witness, would have a definitive way to know if they were 1495 or 1505 feet away from an animal. Then to have to prove that a pilot was “intentionally” closer than the established distance, not just that they were “negligently” within that distance, is a burden of proof that would be essentially unobtainable.

**Proposal 123** – This proposal seeks to remove the prohibition on remuneration (payment) in regard to obtaining, granting, or influencing the granting of proxy authorizations under 5AAC 92.011(i).

AWT is opposed to this proposal. Allowing remuneration under this regulation may result in “bidding wars” for an eligible person’s proxy, thereby commercializing the program. The proxy system was developed to allow disabled, elderly, or otherwise physically incapable Alaskan’s to still obtain permits and wild meat by creating a legal means for another hunter to harvest fish or game for the person, without

taking away opportunity from the person doing the harvesting. Allowing remuneration, even for known expenses such as fuel costs, would open the door for either party to demand payments from the other party. A qualified resident who obtains a highly sought after tag could essentially put the opportunity to be their proxy out to bid.

If changes must be made to incentivize helping harvest game for segments of the population who are unable to do so themselves, AWT would suggest something very narrow in scope that would merely cover documented expenses such as fuel costs.

**Proposal 124** – Seeks to change language within 5AAC 92.044 for the purposes of bear baiting, removing the term “permanent dwelling” and inserting in its place “permanent domicile”. Current regulatory language states that a person may not establish a bait station within 1 mile of a house, school, business, developed recreational facility, campground, or other permanent dwelling including a seasonally occupied cabin.

AWT is opposed to this change in language. The use of “dwelling” instead of “domicile” in this regulation was intentional. “Domicile” refers to a person’s primary place of residence. In the context of this regulation, the intent is to reduce the likelihood of bear bait sites attracting bears near where people live (homes), congregate (school, business), recreate (developed recreational facility, campground) or otherwise spent significant amounts of time in a fixed location (other permanent dwelling). If this change were to occur and dwelling was changed to domicile, a bear bait station would be allowed to be established within 1 mile of a church because a church is not a house, a school, a business, or a campground. A bait site could also be established near a government office such as a State Trooper post or a meeting location of a Civil Air Patrol squadron. Neither of these entities exist at a location that would clearly fall within the definition of a house, a school, a business, or a campground.

AWT is unaware of “multiple hunters have been charged for baiting within a mile of abandoned camps, outhouses, squatter cabins or other structures that may not fit the intended definition.” These violations are uncommon and nearly always involve a hunter establishing a bait site that is plainly too close to an occupied residence or an established and recognized recreational facility such as a state campground. An abandoned camp consisting of tents or other non-permanent structures would not fall under any current definition as used in this regulation. A cabin, even one erected without permission on state land, would indeed fall within the current definition and this is where Troopers may exercise discretion if a hunter had no reasonable means to know that such a structure existed.

AWT does agree that the term “dwelling” is not currently defined within 5AAC and would support work to develop a definition.

**Proposal 125** – This proposal seeks to define the terms “developed recreation facility” and “permanent dwelling” as used in 5AAC 92.044 for purposes of bear baiting.

AWT is opposed to the proposed definition of “developed recreation facility”. The proposed language would only include state-maintained facilities/areas and exclude federal, borough, and city owned locations. Further, the language is too narrow to only include locations that provide services for “shooting, launching of watercraft, or camping.”

AWT supports a definition of “permanent dwelling” but is opposed to the definition suggested. Who would bear the responsibility to determine if a structure is “legally owned”, the hunter or enforcement? While AWT may have means to discover the ownership status, the general hunting public may not. Many

commercial fishing lodges are owned by an LLC or company, would they be excluded as they are not owned by “the public or a private individual”? Finally, AWT would have almost no means to determine how many days a structure, cabin, or home was occupied per year. These factors would therefore make enforcement exceedingly difficult and render large parts of the intent of these prohibited baiting areas as moot.

AWT requests the board consider defining the word “dwelling” as: “a structure or part of a structure that is used as a home, residence, place of regular gathering, or sleeping unit.”

**Proposal 129** – Seeks to establish a minimum standard or caliber of centerfire rifle for the taking of big game animals by changing 5AAC 92.085 to add that a rifle must have a barrel bore of at least .25 inches and be chambered to fire a centerfire cartridge of not less than two inches in overall length, including the bullet.

AWT is neutral regarding an establishment of minimum caliber requirements for big game species. AWT would recommend that in deliberations, the board clarify the following regarding intent.

1. Is the intent to preclude any use of a weapon designated by state or federal law as a “pistol”, regardless of caliber, from being legal to take a big game animal?
2. Is the cartridge length language, if adopted, intended to preclude use of lower powered handgun rounds, or is it intended to provide for a minimum ballistic energy level? Due to the tremendous variety of current and future centerfire rifle cartridges of varying sizes and lengths, even if pistols remained legal to use, there likely is or will be centerfire rifle cartridges that are greater than .25 caliber but with an overall cartridge length of under 2 inches.

AWT will note that if this proposal were adopted, it would remain legal for a person to be in the field during a big game hunting season with a rifle that did not conform to this requirement. It would not be until a person used a smaller caliber rifle to take big game that a violation will have actually, fully occurred.

**Proposal 130** – Seeks to establish a minimum caliber of centerfire rifle for taking moose statewide under 5AAC 92.085.

AWT is neutral regarding establishing a minimum caliber requirement for a particular species of big game. This proposal was previously offered at the western Alaska board meeting and AWT was opposed due to the proposal only covering some GMU’s while other, neighboring units had no minimum caliber requirement. If this proposal were adopted statewide, AWT would better be able to effectively enforce it per the intent of the board. AWT will note similar comments from the previous proposal including seeking intent from the board if pistols of any caliber are to become unlawful to use to harvest moose? As noted for the previous proposal, it would remain legal for a person to be in the field during moose season with a rifle/pistol that did not conform to this minimum caliber requirement. It would not be until a person used such a weapon to harvest a moose that a violation will have fully occurred.

**Proposal 131** – Seeks to amend 5AAC 92.095 to require statewide trap and snare ID tags and for ADF&G to issue a personal identification number (PIN) to trappers if they do not wish to place their name on the tag. It would also require the department to make trapper identities available to law enforcement and to the parent of a child caught in a trap or snare, or a pet owner whose pet has been caught in a trap or snare.

AWT is in Support of this proposal with modifications. AWT supports a statewide trap/snare ID requirement as a means to readily identify a suspect when we locate illegal trapping activities. AWT supports consistent statewide regulatory language and if the board considers requiring trap ID in some parts of the state, it would be preferable that it be a statewide requirement. AWT is opposed to requirements to release trapper identities to members of the public. A public release of a trappers' identity could interfere with ongoing investigations by law enforcement. Upon charge or conviction, there are means already in place for the public to obtain information when a trapping violation occurs. If AWT takes legal enforcement action, a press release is completed, and charges are filed in the local court. Charge and conviction information is considered public and can be obtained from the court or from DPS with a public information request. Often pets are unfortunately caught in legally established traps and snares. Having a requirement that the name of an individual whose legally set trap/snare inadvertently caught a pet would put ADF&G in a very serious legal position and could be considered a constitutional right to due process issue.

AWT would recommend that rather than an ADF&G issued PIN, the required trapper ID number be set in regulation as the trapper's Alaska Public Safety Information Network (APSIN) ID number. This is a unique number issued to every person who obtains an Alaska ID or driver's license and to any person who is created in the system by means of any contact with or at the request of a law enforcement agency. This number is private but available to law enforcement, including AWT, at a moments notice. As the vast majority of trappers are Alaska residents, this number already exists.

Use of a trapping license number would also be acceptable; however, this number would change annually whereas an APSIN ID number remains with a person for life, allowing a trapper to consistently use the same ID tags year after year.

Past comments on this issue have raised concerns regarding Troopers disturbing sets in order to try to view the ID tag affixed to a trap. This method of enforcement is not taught to wildlife troopers and is not encouraged during normal patrol operations, due to the disturbance caused to legally set traps and snares. A provision for posting the ID of the trapper at the entrance to the set in a conspicuous location in addition to being placed physically on the trap would greatly aid enforcement in determining ownership without having to approach carefully constructed sets.

**Proposal 132** – This proposal seeks to prohibit non-resident hunters from using a snowmachine to assist in the pursuit and take of a wolverine or wolf under 5AAC 92.080, a practice currently allowed under this section for both residents and non-residents.

AWT typically remains neutral regarding methods and means except when there are concerns about the ability to effectively enforce the proposed change. We have concerns with this proposal because it would allow for residents to take game by a method that non-residents cannot partake in, which can be difficult to enforce. It is always the desire of AWT to have consistent regulations whenever possible and currently methods and means rules apply unilaterally to both residents and non-residents alike.

**Proposal 140** – Seeks to eliminate the requirement for evidence of sex in big game hunts statewide under 5AAC 92.150. The proposal seeks to instead suggest that DNA testing would suffice in instances where there was suspicion of an illegal harvest. The proposal states that “for <\$100, a sample of muscle can be submitted to a lab and the sex determined easily and relatively quickly.”

AWT is Opposed to this change in regulation. DNA testing is not a realistic solution for a Trooper in the field to quickly ascertain if an animal is indeed the wrong sex. The author claims that DNA testing is “much more versatile for troopers in the field...”. This is incorrect. A trooper in the field can visually identify sex organs (or the lack thereof) during a field check in mere minutes. Verifying sex through DNA would require hours of work to collect, package, track, and ship samples, then weeks or months of waiting for results that may or may not be to a standard acceptable to a court of law. AWT and the state would be forced to pay for representatives of any outside lab or company used to travel to Alaska to attend court if any prosecution involving DNA testing was to occur. Visually checking sex is free. Even at \$100 a test, which no such price has been found, wildlife troopers check thousands of big game animals annually. DPS does not have a budget to cover \$100,000+ worth of DNA tests annually, nor we suspect would ADF&G. If a DNA sample came back that the animal was the incorrect sex, it is highly probable that the animal will have already been consumed, given away, or in some other manner have disappeared. A trooper still would have to spend a great deal of time locating the hunter and obtaining search warrants to locate and seize any remaining meat after the fact, whereas none of this would be necessary if discovered at the time, in the field, when the vast majority of these violations are discovered. If this proposal is passed, AWT would effectively have no means to enforce regulations limiting harvest to a single sex. There is a myriad of ways a person could use subterfuge to claim an animal was of legal size and sex, but naturally attached evidence of sex cannot be faked effectively. The result of this change could very easily lead to a substantial increase in illegal harvest, and it would have significant negative impacts upon the enforcement mission of the Alaska Wildlife Troopers.

**Proposal 141** – Seeks to allow the use of digital video as a means to declare legal transfer of possession under 5AAC 92.135(a), in situations or circumstances where a signed paper form was not available or viable.

AWT Supports this proposal. Use of available technology as a means to comply with the intent of regulatory language is viewed as reasonable by law enforcement. This change would be consistent with many other areas of state law that allow for electronic versions of paper documents to serve as proof. This includes hunting/fishing licenses, some permits, vehicle insurance, and even a drivers license in some instances.

**Proposals 142/143** –

142 - Seeks to repeal 5 AAC 92.031(h). Permit for selling skins, skulls, and trophies.

143 – Seeks to repeal 5AAC 92.031(h) and modify applicable portions of 5AAC 92.200 to allow nearly all sale/barter of big game trophies without a permit or any restrictions.

AWT is Opposed to these changes in regulation. The regulations as currently written allows the public a means to legally sell a prepared big game trophy via means of a free permit from ADF&G. The illegal and illicit trade in wildlife, worldwide, is estimated at between \$7 billion and \$23 billion annually. Wildlife crime is considered one of the world’s most lucrative illegal businesses. Requiring a person to obtain a free permit in order to sell an Alaskan big game trophy is the only means the state has to curtail potential illicit trade in Alaskan trophies within the state. AWT receives tips every year regarding

potential illegal sale of game and trophies, which are often quickly closed out after contacting ADF&G and determining a valid permit was issued.

Thank you for the opportunity to offer comments to the board. A representative from AWT will be available throughout the board meetings and deliberations to answer questions from board members.

Sincerely,

A handwritten signature in cursive script that reads "Brent Johnson".

Brent Johnson

Captain – Alaska Wildlife Troopers – AWT BOG Liaison