



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 Southeast Alaska area 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 1

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Prohibit the take of big game animals between civil twilight of sunset until civil twilight of sunrise the following day in Units 1-5 as follows:

5AAC 92.085 Unlawful methods of taking big game.

Add the following unlawful method of taking big game: In Units 1-5, its unlawful to take any big game animal from civil twilight of sunset until civil twilight of sunrise the following day.

AWT supports this proposal. There is genuine concern in the SE Alaska region surrounding the unlawful harvest of deer during hours of darkness using artificial light and/or thermal/night vision equipped weapons. From the perspective of enforcement, consistency is always preferable. Therefore having the same restriction related to hunting hours for all big game is preferred. The concern for AWT and many hunters is that a person could affix a thermal scope to a rifle and claim to be hunting wolf under a trapping license, which would currently be legal. That same weapon system could just as easily be used to harvest deer, and Troopers conducting a field check would have no way to prove what a person was targeting until after an animal had been harvested. While possessing that weapon setup would not be made illegal by this proposal, it would give enforcement the ability to detect and deter poachers intent on using these items to illegally harvest other big game species.

AWT has enforceability concerns with the proposed use of civil twilight as the legal shooting hours standard. Civil twilight is highly variable across different regions and terrain and is not easily pinpointed by most people. A better option would be a set amount of time before/after sunrise/sunset. If extended twilight hunting time is a concern that time could be up to an hour before/after sunrise/sunset. This would closely mirror the proposed legal hunting hours but be much easier for the general public and enforcement to determine for a given location.

PROPOSAL 2

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Prohibit the take of deer between civil twilight of sunset until civil twilight of sunrise the following day in Units 1-5 as follows:

5AAC 92.085 Unlawful methods of taking big game.

Add the following unlawful method of taking deer: In Game Management Units 1-5, its unlawful to take any deer from civil twilight of sunset until civil twilight of sunrise the following day.

AWT supports this proposal if proposal #1 is not adopted, however proposal #1 is preferred due to consistency of prohibiting take of all big game, not just a single species, during specified hours of darkness. Additional comments on #1 also apply to this proposal regarding the use of civil twilight.

PROPOSAL 3

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Allow the same day airborne take of goats in Units 1-5 as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

The new regulation would state that same-day airborne hunting for mountain goats is allowed in Units 1-5.

AWT is opposed to this proposal for the reasons. If passed, this regulation would allow people to fly from lake to lake, looking for a trophy Billy to shoot. This could create user conflicts between walk in hunters and fly-in hunters. A walk-in hunter actively stalking a goat could have another hunter fly in and take the same animal that the walk in hunter had actively been attempting to stalk for hours or even days. This could also create legal issues for licensed transporters who currently are not allowed to assist in spotting or locating game under AS 08.54. If passed, there would be incentive for more pilots to fly in this rugged terrain in questionable weather in order to locate an animal and be able to quickly land and stalk it. This would likely increase air traffic and reduce safety. If inclement weather is the precursor to allow SDA hunting, then much of Alaska would qualify.

PROPOSAL 9

5 AAC 85.XXX. Seasons and bag limits for cougar/mountain lion.

5 AAC 84.270. Furbearer trapping.

Establish hunting and trapping regulations for taking mountain lion in the Southeast Region as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

I ask the department to create a hunting and trapping regulation for mountain lions with a limit of one mountain lion, and no closed season.

AWT is opposed to this proposal as written. This proposal asks to create a year-round large animal trapping season. With no way to differentiate between a wolf trap or snare and a cougar trap or snare, enforcement would have a difficult time proving that a person was targeting another species. If passed, AWT recommends aligning season dates with the current wolf trapping season.

PROPOSAL 11

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Allow the use of cameras or other sensory devices that can send messages through wireless communication for trapping furbearers in Units 1-5 as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Remove the section of the trapping regulations that prohibits the taking of furbearers with aid of "any camera or other sensory device that can send messages through wireless communication".

AWT is neutral on this proposal, as the original regulation that made it unlawful was board generated. There is no enforcement concern with a trapper utilizing a cellular enabled camera or similar devices to view a trap set location and determine if a harvest has occurred. There would actually be benefits to allowing this practice, such as a lower chance of fur loss caused by an animal remaining in a trap for longer periods in inclement/warmer weather. If the board considers passing this proposal, AWT would ask for an amendment to clearly note the cameras are only allowed to be at active trapping locations and not used merely to scout locations to later set traps.

PROPOSAL 13

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Prohibit the use of night vision for taking furbearers in Units 1-5, during state and federal deer seasons as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Allow the use of electronically enhanced night vision and forward-looking infrared devices for taking furbearers statewide **except for Unit 1-5 during any open federal or state deer season.**

AWT supports this proposal. Both proposals 1 and 2 are more consistent in overall language, however they are written under the regulation for methods of taking big game (5AAC92.085). This proposal only would prohibit use of a thermal or night vision device for the harvest of furbearers during an open deer season in units 1-5. As state and federal deer seasons vary across the area and can change, this proposal's language would be less consistent for enforcement and for hunters and trappers to stay abreast of compared to language in proposals 1 and 2.

PROPOSAL 29

5 AAC 85.030. Hunting seasons and bag limits for deer.

Require an antler restriction for bucks harvested in Unit 1C, Douglas Island to at least one forked antler on one side as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Unit 1C Douglas Island: Four deer total only one of which may be a doe, **all bucks must have at least one forked antler on one side** Aug. 1 – Sept. 14 (bucks), Sept. 15 - Dec 31. (any deer).

AWT is neutral on this proposal. If passed this will be the first ever antler restriction for Deer. The board may want to consider if the existing definition of “point” will apply, or if separate definitions should be created specific to deer. Deer often will have an antler configuration that most hunters would refer to as a “fork” that would not be considered as such under the current regulatory definitions.

PROPOSAL 55

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Prohibit the use of night vision and infrared devices for taking furbearers in Unit 2 as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Allow the use of electronically enhanced night vision and forward-looking infrared devices for taking furbearers statewide **except for Unit 2.**

AWT is opposed to this proposal due to much stronger and more consistent language found in proposals 1, 2 and 13.

PROPOSAL 56

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Prohibit the use of night vision and infrared devices for taking furbearers in Unit 2, during state and federal deer seasons as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Allow the use of electronically enhanced night vision and forward-looking infrared devices for taking furbearers statewide **except for Unit 2 during any open federal or state deer season.**

AWT is opposed to this proposal due to much stronger and more consistent language found in proposals 1, 2 and 13.

PROPOSAL 64

5 AAC 92.150. Evidence of sex and identity.

Eliminate the regulation that excludes broken, damaged, or altered antlers from the definition of spike-fork antlers for Units 1B, 1C and 3 as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Remove portion of language under 92.150(c) [IN UNIT 1(B), THAT PORTION OF UNIT 1(C) SOUTH OF PORT HOBART, INCLUDING ALL PORT HOUGHTON DRAINAGES, AND UNIT 3, A DAMAGED, BROKEN, OR ALTERED ANTLER IS NOT CONSIDERED A SPIKE-FORK ANTLER AS DEFINED IN 5AAC 92.990.]

AWT is opposed to this change in regulation. This regulatory language came about as a means of preventing the circumvention of regulations that was actively occurring in these areas. The reason this regulation exists as it does is a result of some SE area hunters breaking antlers after the fact in order to make sublegal bulls into a legal antler configuration. If adopted this regulation will result in cheating as it existed previously. This regulation was passed by the Board in 2006 after a growing concern of antlers being intentionally altered into a spike-fork configuration after an animal had been harvested. The original proposal was a joint effort by AWT and ADF&G. Determining if an antler was damaged or broken before being harvested or altered after is difficult to prove for enforcement. The current regulation as written makes it so that if the antler is naturally broken/damaged or intentionally altered, it would not be considered a spike-fork. AWT sees on average very few antlers a year that are broken, damaged, or altered into a spike-fork configuration and are not lawful to take due to this regulation.

If the board is considering this change, then AWT would support Proposal 65 to simply establish a 15-day, any bull hunt in this area.

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,



Brent Johnson

Captain – Alaska Wildlife Troopers – AWT BOG Liaison