

Questions You May Have About Regulations For Subsistence Hunting of Migratory Birds

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How Would Subsistence Hunting Of Migratory Birds Be Regulated?

Under the Fish and Wildlife Improvement Act of 1978 any subsistence hunting of migratory birds that is authorized must be in accordance with seasons established by the Secretary. At a minimum, therefore, hunting seasons for taking migratory birds for subsistence must be established. Since the process to develop regulations for subsistence hunting of migratory birds is just beginning, no decisions have been made as to what other means of regulation would be applied.

Seasons, bag limits, species restrictions, harvest quotas, management units, and methods and means of taking are other ways commonly used to regulate harvest of migratory birds and could be used if and when needed to regulate subsistence hunting. All of these are used in one way or another to regulate hunting of migratory birds in fall and winter hunting seasons in Alaska and the lower 48 states. For example, all of these states have bag limits that restrict the number of birds that hunters can take in a day of



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hunting. Some species may not be taken at all because the season is closed, as in the case of cackling Canada geese. For some others the bag limit is only one bird per day, as is presently the case with female mallards in all of the lower 48 states. Severe restrictions like these are used to assist in the recovery of migratory bird populations that have declined or are declining by limiting the number killed by hunters. All of the states have restrictions on the length of the season (number of days) during which migratory birds may be hunted and restrictions on methods and means of hunting. For example, waterfowl may not be hunted from a motorboat under power. Hunting regulations like these have been used to govern hunting during and fall and winter since the Migratory Bird Treaty Act was passed in 1918. There are some other general ideas about what the subsistence regulations should address.

These are presented below and will be discussed during the public process of developing the regulations.

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What hunting would the new regulations manage?

The new federal regulations would address migratory bird hunting in Alaska during spring and summer, specifically between March 10 and September 1. Although provisions for subsistence taking of fish and game in Alaska are addressed at some length in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), an exception for migratory birds is contained in Section 815 of that Title. Specifically, Section 815 says that nothing in Title VIII shall be construed as modifying or repealing the provisions of any federal law governing conservation or protection of fish and wildlife. Included among the federal laws mentioned is the Migratory Bird Treaty Act. This Act implements the migratory bird treaties that form the basis for migratory bird management in the United States. The Fish and Wildlife Improvement Act also would fall within the scope of Section 815. Thus management of migratory bird hunting, including subsistence hunting, must follow the guidelines provided by laws and regulations other than ANILCA.



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For what purposes could birds be taken?

The Fish and Wildlife Improvement Act authorizes the Secretary of the Interior to issue regulations that would allow subsistence hunting of migratory birds for "nutritional and other essential needs." It is understood that nutritional needs are human needs for food. The Fish and Wildlife Service considers the need for food to be the only essential need. However, the non-edible byproducts of birds taken for food could be used for other purposes.



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What levels of harvest would be allowed?

The general purpose of the regulations would be to allow the present level of spring and summer harvest to continue. However, reductions in harvest would be proposed where significant problems with bird populations exist. For example, there is a significant problem with four species of geese which nest on the Yukon-Kuskokwim Delta. A management plan has been developed there in cooperation with local residents that calls for restrictions on harvest and closures on hunting if and when bird populations fall below certain levels. The subsistence regulations for this area would likely be developed from the terms of the management plan.

Local rural users would be consulted to determine existing levels of harvest. Current levels of harvest would be allowed to continue if populations of birds remained healthy. If large population declines occurred, harvest levels would be reduced as necessary. The most important consideration would be sound management to preserve and maintain migratory bird populations for the benefit of all people.



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How could birds be used?

Migratory birds taken in a nonwasteful manner for nutritional needs could be used for personal and family consumption and could be shared with others in the immediate community that are in need of food. The birds or parts of birds could not be sold.

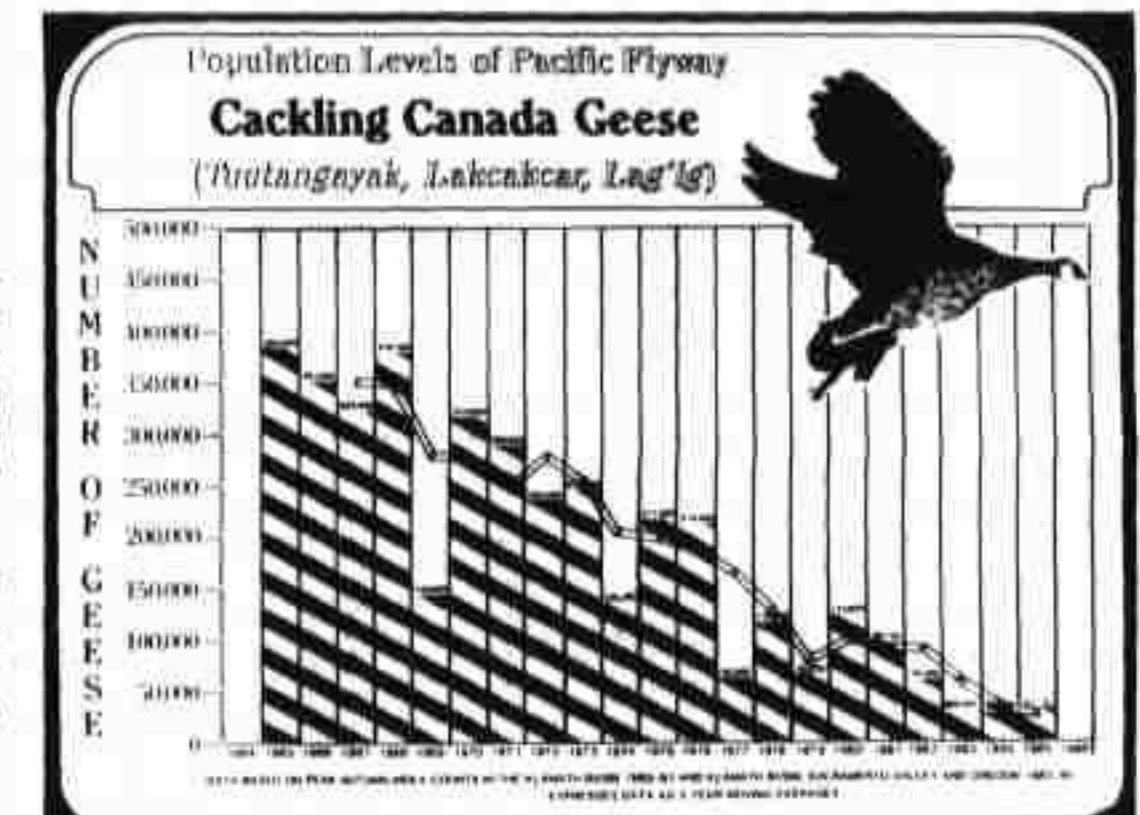


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Who could hunt?

Regulations would allow hunting by both Native and non-Native residents of rural Alaskan areas where spring hunting of waterfowl and other migratory birds is an important part of the subsistence economy. These areas will be determined by looking at historical and current records of the importance of migratory birds for subsistence uses, and information provided by the public. Under the ANILCA, residents of Ketchikan, Juneau, Anchorage and Fairbanks do not qualify as subsistence hunters because these areas are not considered to be rural. In regard to other areas in the State of Alaska, federal frameworks will identify the general areas in which subsistence harvest of waterfowl could be allowed. The Alaska Board of Game will then determine the specific areas within the federal frameworks that qualify for subsistence hunting of waterfowl.



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How would the regulations be enforced?

Regulations for subsistence harvest for migratory birds would apply to all subsistence hunters on all lands in Alaska. The Fish and Wildlife Service and the Alaska Department of Fish and Game would join in seeking the assistance of communities, fish and game advisory committees and user organizations in obtaining compliance. Meetings would be held in subsistence hunting communities to discuss the regulations. Cooperative programs to monitor the harvest and enforce the regulations would be developed wherever possible. Subsistence waterfowl regulations would be enforced using existing regulatory agencies and enforcement procedures as at present.

