

For Subsistence Hunting of Migratory Birds



What Process Will Be Used To Review And Modify The Regulations?

Most regulations that govern hunting of migratory birds are reviewed each year to determine what, if any, changes should be made. Information collected about migratory birds is used to help determine whether changes are needed. If changes are felt to be necessary, proposals are made and published, and public comments are obtained and considered. After public review, a final determination about the changes is made and final rules implementing the regulations are published. The U.S. Fish and Wildlife Service has the lead responsibility for developing regulation guidelines, or "frameworks," for each flyway. These guidelines are discussed with the states at Flyway Council meetings. After the Flyway Council meetings are held, and after public comment as discussed above, the Fish and Wildlife Service establishes the frameworks for that year. These usually contain limits on the number of days hunting will be allowed (season length) and the number of birds that can be shot each day (bag limit).



Using the federal framework, each state then has the opportunity to determine its regulations for migratory birds. The state regulations can be more strict than the federal guidelines, but cannot be more lenient. Each state works out its regulations in its own way. For Alaska, the Alaska Board of Game determines the regulations after hearing input from Fish and Game Advisory Committees, from biologists with the Department of Fish and Game, and from the general public.



A process similar to that described above could be used for annual review and development of subsistence hunting regulations. This remains to be determined.

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SUMMARY OF ACTIONS AFFECTING MANAGEMENT OF SUBSISTENCE HUNTING OF MIGRATORY BIRDS

DATE	ACTION	EFFECT ON SUBSISTENCE HUNTING
1916	Migratory Bird Treaty with Canada	Most hunting of migratory birds was prohibited between March 10 and September 1 of each year. An exception to this closure was that Indians could take scoter ducks, and Eskimos and Indians could take auks, auklets, guillemots, murre and puffins, and their eggs at any time for food, but not for sale. Except as mentioned previously, hunting waterfowl during spring and summer is illegal under this treaty.
1918	Migratory Bird Treaty Act	Implemented provisions, including restrictions on subsistence hunting, contained in the Canadian Treaty.
1925	Alaska Game Act	Allows Alaskan Natives, prospectors and travelers to harvest migratory birds during any season of the year when in need of food and other sufficient food is not available.
1936	Migratory Bird Treaty with Mexico	No reference to subsistence hunting, but specifically closes duck hunting between March 10 and September 1.
1958	Alaska Statehood Act	When Alaska became a state in January of 1959, it was thought that the 1925 Game Act was repealed - making most spring and summer hunting of waterfowl illegal.
1960's	Fish and Wildlife Service Studies	The Fish and Wildlife Service carefully reviewed the subsistence hunting issue and recommended that action be taken to solve problems. These efforts were unsuccessful.
1972	Migratory Bird Treaty with Japan	Allows for subsistence hunting by Eskimos and Indians for their own food and clothing, but conflicts with Canadian treaty.
1976	Migratory Bird Treaty with the Soviet Union	Provides for hunting seasons for migratory birds to allow subsistence hunting by rural Alaskans for their own nutritional and other essential needs. Requires that seasons be set to provide for preservation and maintenance of stocks of migratory birds.
1978	Fish & Wildlife Improvement Act	Authorizes the Secretary of the Interior to regulate the spring and summer harvest of migratory birds by rural Alaskans as described in the Soviet Treaty.
1979	Protocol Amendment to 1916 Canadian Treaty	Provides that migratory birds may be taken for nutritional and other essential needs in accordance with seasons set by the Secretary of the Interior. The needs must be determined by the Secretary, and any seasons that may be set must provide for the preservation and maintenance of the stocks of migratory birds.
1986	U.S. District Court for Alaska Ruling	Ruled that until the Secretary of the Interior adopts subsistence hunting regulations under the 1978 Fish and Wildlife Improvement Act, Natives, prospectors and travelers may take migratory birds during the closed season when in need of food and other sufficient food is not available. The ruling is currently under appeal.