



Non-resident Raptor Take Proposal to the Alaska Board of Game

American Falconry Conservancy

April 2011

For reasons outlined herein, the American Falconry Conservancy (AFC) respectfully requests that the Alaska Board of Game adopt provisions to allow non-resident falconers to capture raptors in Alaska and bring them to their home States for falconry.

AFC is an association of North American falconers dedicated to the right of practicing the art and sport of falconry and to the conservation of raptors based on sound science and the rule of law. AFC has actively pursued opening the doors to non-resident U.S. falconers for wild raptor take in the handful of States that previously did not or presently do not have such provisions.

Over the last several years AFC was successful in convincing resident falconers in Minnesota, South Dakota, Montana, Nebraska and Colorado to open their doors to non-residents, and provided technical assistance in achieving those ends. North Dakota has a legislative provision for non-resident take, but the Fish & Game Department needs to work out a regulatory framework for such provisions. To AFC's knowledge, the only States that do not have non-resident, raptor take provisions are West Virginia, Connecticut, Alaska and Hawaii. Hawaii is unique in that it has no falconry laws or regulations.

It is to Alaska that the falconry community now looks in hopes that the people of Alaska will invite their neighbors from other States to further share in Alaska's bountiful resources.

AFC has communicated with Alaska falconers to better understand their position on this subject. Some feel it is too complicated a proposition to undertake or are concerned about competition by non-residents in traditional resident capture areas; others are indifferent; and some agree that Alaska should be open to non-residents. This mirrors the same sentiments experienced in other States who recently adopted or are in the process of adopting non-resident, raptor capture provisions. The only difference AFC has observed between Alaska and other States is complacency within the falconry community in spearheading the process; to our knowledge neither Alaska nor at-large falconers have ever asked the Alaska Board of Game to open wild raptor take to non-residents.

Based on our conversations with members of the Alaska falconry community, AFC believes that if non-resident falconers were to concede to certain limits, Alaska falconers would be more comfortable embracing a non-resident, raptor capture program. With Alaska falconers' concerns in mind, AFC presents the following conservative proposal and supporting justification for raptor capture by non-resident falconers:

1. Non-resident falconers would be allowed to capture 3 gyrfalcons, 3 Peale's peregrines, 2 anatum peregrines, 2 tundra peregrines, 3 merlins, 3 goshawks, 3 red-tailed hawks and 3 sharp-shinned hawks. While there is no biological justification for such a limited capture (See attached *Final Environmental Assessment: Take of Raptors from the Wild Under The Falconry Regulations...*, USFWS June 2007 (FEA) concerning the insignificance of falconry harvest on raptor populations), an initial conservative capture quota may allay some Alaska falconers' concerns over non-resident take. However, should the Alaska falconers and the Alaska Board of Game agree that the proposed non-resident, raptor capture quota is unnecessarily restrictive, AFC would support more liberal allowances.
2. Non-resident falconers would not be allowed to capture: eyass gyrfalcons in Game Management Units (GMUs) 13, 14 and 22; eyass goshawks in GMU 14C; eyass Arctic peregrines along the Sagavanirktok River; and eyass Anatum peregrines in GMU 20. Although AFC understands that very few wild raptors are captured by Alaska falconers, we believe the GMU restrictions reflect Alaska falconers' concerns over outside competition in areas favored by residents.
3. Applications for a non-resident capture lottery would be submitted between February 1st and March 31st. A non-resident quota on take may necessitate a lottery.
4. Unless other concerns surface, all other take provisions or limitations applicable to residents, such as capture seasons and off limit areas like the Colville River corridor, would also apply to non-residents.
5. Native Tribal Lands within Alaska's borders would be off limits for non-resident raptor capture unless authorized by the Native Corporation. Some Alaska falconers have voiced concerns about non-residents attempting to capture raptors on Native Lands. This is no different from other States and we propose that such activities be clarified in Alaska's provisions. To assist capture, AFC is willing to create maps depicting all Alaska areas closed to non-resident capture of raptors.

The following points are presented in an effort to answer the broad question: If non-resident raptor take were to be implemented, what would this mean to the State of Alaska and Alaska falconers?

1. No harm would come to raptor populations. Alaska has the largest populations of breeding raptors (among other raptor species, over 400 pairs of breeding gyrfalcons and 1000 pairs of breeding peregrine falcons) in the U.S., so non-resident capture of a few birds is a biological non-issue. There are approximately 4250 authorized falconers in the United States (FEA, p. 34), compared to millions of fisherman and hunters. The majority are flying captive bred raptors. The demand for wild raptors by falconers is far too small to have any effect on raptor populations (See tables 1, 2, and 3 on, respectively, pages 10, 29, and 33 of the attached FEA). Also, FWS has a wild raptor take limit of 2 birds per falconer per year. In addition, to our knowledge no State has experienced harvest pressures from resident and/or non-resident falconers to the point where intervention was warranted by State fish & game departments. What is more, the Alaska Board of Game has emergency powers to restrict or eliminate harvest should a particular raptor population experience a decline to the point where it is threatened. Owing to our long history of devotion to the conservation and protection of raptors, AFC in particular and the falconry community in general would be the first to support such restrictions where and when warranted. Historically, falconers have been a valuable resource for raptor knowledge and conservation and actually lead the charge in saving the peregrine falcon from extinction in the lower 48 when the peregrine became endangered; it was a falconer who discovered how to breed raptors in captivity and it was predominately falconers who then bred and released peregrines in reintroduction and restoration efforts.
2. Considering Alaska's large size and its vast and robust raptor populations, and taking into account the proposed raptor quota numbers in this proposal, AFC is confident non-resident capture of raptors would have no negative effect on either the raptor resource or the resident falconers of Alaska. If anything, the adoption of non-resident take provisions would broaden Alaska falconers' liberties and opportunities for the following reasons:
 - a. Currently Alaska falconers are prohibited from capturing wild raptors from States that have non-resident, raptor capture reciprocity - you can capture in our State only if we can capture in yours - provisions (e.g. New Mexico, Montana, Alabama and Texas). Texas just recently adopted such reciprocity provisions, and other States are in the process of adopting such provisions. AFC is aware of at least one Alaska falconer who previously captured a red-tailed hawk from Texas. Also, around 2009-2010 Alaska falconers Mike Houser and Rio Bergman were warmly received by Oregon falconer Richard Hoyer who helped them trap red-tailed hawks in Oregon, which were then taken back to

Alaska. Alaska would need to be open to falconers residing in reciprocity States if Alaska falconers wish to enjoy the raptor resource benefits of such States.

- b. Non-residents are able to provide locations of raptors taken in Alaska, which provides additional data (e.g. eyrie (nesting) locations when eyasses (nestlings) are taken) on Alaska's raptor resource at no cost to the Alaska Department of Fish & Game.
- c. Additional revenue to the Department of Fish & Game would be beneficial. Like a nonresident big game permit, a \$200 permit fee would not be unreasonable. It should be noted, however, that most States' fees for non-resident, raptor capture are significantly lower and generally are on par with the administrative costs associated with issuing a capture license.
- d. As in all tourist type activities, additional revenue would be brought into Alaska's economy by visiting falconers, which would benefit Alaska small businesses and increase Alaska State tax revenues.
- e. One good turn often earns another – it is human nature that the prospect of reciprocity often compels one to go out of their way to assist ones neighbor. This is especially true and invaluable in falconry, where more often than not a neighboring state falconer possesses a more intimate knowledge of the raptor resources in his or her State and is more inclined to share such knowledge with and offer assistance to a non-resident if that non-resident is able and willing to reciprocate.

In an effort to further investigate the effects of non-resident take, AFC's Non-resident Take Liaison, Dr. Jim Ingram, contacted a number of State wildlife agencies and reports the following: "I contacted several of the most popular states for non-residents to trap raptors to see how many permits were given out on average. Texas – 8-15 permits per year, most resulted in taking a Harris' Hawk; Kansas – 15 permits per year, mostly redtails, and sometimes prairie falcons; Wyoming – 21 permits per year issued on average with only 12 resulting in a take (average annual take for goshawks is 3; for merlins 1.8; and for gyrs 0.16); Wisconsin – 4-5 permits per year, mostly Cooper's hawks; Florida – 3 permits per year, mostly merlins. None of these states, or their falconry communities, reported problems with their raptor populations as a result of nonresident take."

In general AFC proposes that the same rights and privileges provided to residents be provided to non-residents, as the Privileges and Immunities Clause of the U.S. Constitution instructs; unless some State difficulty arises where a less discriminatory method is unavailable to the State, in which case the State has the right to serve its residents' interests above non-residents. The various States manage non-resident capture in a variety of ways. The following are offered for the Alaska Board of Game's consideration:

1. The State of New York requires a hunting license and the submission of a “Raptor Capture Authorization” form, along with a copy of the permittee’s falconry license.
2. Oregon provides a State capture permit. The applicant merely submits a completed form, a copy of his falconry permit, and \$10.
3. Kansas, which AFC believes is a very good model for non-resident take regulations, requires a Kansas hunting license and authorization, in the form of a letter from the fish & game department.
4. Alabama requires a hunting license and that the non-resident’s home State also provides the same opportunity to Alabama falconers.
5. Wyoming charges a fee of \$201.00 to nonresidents and requires authorization from the fish & game department.
6. Upon submission of an application and a copy of a valid falconry permit from the applicant’s home State, Minnesota issues a raptor capture permit at no charge to the applicant.

One might ask why Alaska should adopt non-resident take provisions. The simple answer is that access to our natural resources is a national issue in the sense that all Americans wish to be able to enjoy the outdoors in any State of the union. It is understood that we are one country, with a Constitution that obligates us to one another. Each region of our nation has features that provide unique opportunities and all Americans would like to have access to resources that appeal to them.

Alaska has very large numbers of, among others, 3 raptor species falconers are interested in accessing: gyrfalcons, peregrine falcons and goshawks. Table 1 on page 10 of the FEA informs us that the average annual nationwide harvest of these raptor species from 2003-05 was quite low (52.66 goshawks, 11.33 gyrfalcons and 10.66 peregrines) in relation to FWS’s recommended annual harvest levels of 5% of the populations (450 goshawks, 82 gyrfalcons and 150 peregrines) and extremely low in relation to FWS’s determination that “... many raptor populations can sustain eyass [nestling] or passage [juvenile] harvest rates of 10% to 20%, and sometimes higher” (See page 24 of *Draft Environmental Assessment: Take of Raptors from the Wild Under The Falconry Regulations...*, USFWS June 2006 (DEA)). The DEA also points out on page 5 that the take of nestling raptors by falconers provides “higher survival rates” compared to nestlings from unharvested nests. In addition, FWS falconry regulations only allow falconers to capture first year (juvenile) wild raptors, and individual general and master class falconers can take no more than two wild raptors per year.

It has been demonstrated that a non-resident capture of raptors would have no effect on the raptor resource or the falconers of Alaska. Since the raptor resource of Alaska far exceed any demand that falconers would

place on it, and since the mortality rate (or surplus) of first year raptors is high, the adoption of non-resident, raptor take provisions would conform with the sustainable yield principles expressed in the preamble of the Alaska Department of Fish & Game's Mission. Also, it is clear that non-resident, raptor take conforms to the Department's mission of developing the use of natural resources "in the best interest of the economy and the well being of the people" no differently than other presently allowed non-resident activities; such as outdoor tourism and all other forms of wildlife harvest.

Beyond the unique resources Alaska possesses, non-residents are often just as interested in pursuing the adventure Alaska has to offer for the same reasons non-resident fisherman and hunters expend thousands of dollars to travel to one of the most beautiful regions in the world. Falconers can purchase readily available goshawks, peregrines and gyrfalcons from raptor breeders at a lower cost than travel expenses to Alaska, so the reason falconers desire a trip to Alaska is not solely for a bird, it is for the adventure. Like many field sports, the art and sport of falconry embraces the magic in the journey as much or more than the destination or the outcome, - it is the means, not the ends that counts. Experiencing nature and spending time in the wild regions is at the very core of the art of falconry and nowhere is this more evident than in Alaska. Non-residents will feel the cost of this experience is money-well-spent with fond and lifelong memories. Like the sport fisherman, who does not relate the value of the experience on a cost per pound basis, falconers view the taking of wild raptors as an exceptional experience to be cherished with awe.

Presently, Alaska falconers are welcome in most of the lower 48 to take raptors and to travel with their trained falconry birds to hunt quarry not readily available to them in Alaska, or when the winter is too harsh to fly raptors in their home territory. It is our hope that Alaska will welcome non-residents falconers to their State to more fully enjoy their bountiful raptor resource.

AFC thanks the Alaska Board of Game for their consideration and we continue to offer our assistance in this important matter.

Sincerely,

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