



COMPARATIVE LEGAL ANALYZE OF HUNTING ACTIVITY BETWEEN THE SOME STATES OF THE USA

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Abstract: In this article illustrated some legal aspects of the states of USA in the research area of hunting activity and its legal characteristics. In addition, author gives a deflection to several legal terms within the hunting activity. And in the last section of this article analyzed some legal case belongs to hunting activity. As a result of this comparative legal research author give some suggestions and recommendations for improving legal aspects of hunting activity in Uzbekistan.

Keywords: cultural heritage, hunting, fees, USA, states, Uzbekistan, law on hunting, Alabama, Alaska, Arizona, Arkansas, hunting cases.

Since the dawn of time, animals have been an essential element of human life. In prehistoric times, man hunted animals in order to obtain, above all, meat, but also, among other things, hides and pelts necessary for survival. As time went by and mankind developed animals turned from wild game into farm animals. Man was less and less often forced to hunt in order to survive. Over time, the need to hunt was almost completely eliminated and the only reason why it still exists today seems to be the so-called "cultural heritage". Undoubtedly, the fact that animals had been domesticated significantly influenced the way animals were perceived.

With every new century, the position of animals has been changing, leading to a situation where we can no longer speak of hunting as an institution essential for the functioning of human life. In the thinking of a significant portion of the society, there has been a generational change that has resulted in perceiving an animal as a living being that deserves to be treated humanely, too. If it is able to feel pain and suffer, it should be distinguished from other elements of the environment. In view of the above, also the legislator should have listened to the ever stronger demands made by the society for changes in legislation as regards the issue of humaneness in how animals are treated.

Every state that allows residents and non-residents to hunt game animals also require additional licenses, permits, tags, and stamps for specific animals. If you wish to hunt in a specific state, know what additional regulations apply to hunting game animals such as deer, bear, elk, and moose. Each state that allows the taking of duck also implements the requirement of obtaining a federal duck stamp to legally hunt duck and others.

The Law of the Republic of Uzbekistan «On Hunting and Hunting societies» determines regulation of hunting relations in our country. In the process of drafting this law, international conventions and agreements, as well as the legislative practice of countries such as Germany, France, Japan, Russia, Belarus, and Poland were studied. The purpose of this law is to regulate relations in the field of hunting and hunting, as well as hunting activities carried out in the territory of the Republic, which can be a source of income for the economy of the country.

The Law of the Republic of Uzbekistan "On Hunting and Hunting", developed by deputies of the Legislative Chamber of the Oliy Majlis on the right of legislative initiative and signed by the President

on July 8, is one of the main legal frameworks regulating the rational use of biological resources. Relations in the field of hunting and hunting, aimed at the use of wildlife objects, have been legally regulated by more than 10 legal acts in Uzbekistan. This, in turn, has led to various contradictions and interpretations, complications in law enforcement practice. Moreover, the main directions of state policy in the field, there is no effective system of state monitoring of wildlife. Also, the fact that the rights and obligations of hunters and hunting farms are not clearly defined in the legislation hindered the development of the state monitoring of hunting resources, the study of the number and volume of game species hunted in the country, their reproductive status.

Let's start to comparative legal analyze of hunting aspects of USA states. First one is **Alabama**. [13, 20p]

Regulations and Laws: Alabama Code Title 9. Conservation and Natural Resources section 9-11-44

Minimum requirements of hunting: Residents over the age of 16 and under the age of 65 are required to apply for an all-game or a small game hunting license within their county.

- A small game hunting license excludes the hunting of deer and turkey in Alabama.
- Residents that are under the age of 16 or over the age of 65 are exempt from the license requirements for hunting in Alabama.
- Residents that are hunting exclusively on land they own are exempt from the license requirements for hunting in Alabama.
- Residents on active military duty who are in Alabama on leave do not have to hold a hunting license.
- Non-Residents that are over the age of 16 are required to apply for an all-game or a small game hunting license with the Commissioner of Conservation and Natural Resources.

How much does pay for License Fees?

- ✓ A resident must pay an annual hunting license fee of \$28.20 to obtain an all-game license.
- ✓ A resident must pay an annual hunting license fee of \$18.70 to obtain a small game annual hunting license.
- ✓ Non-residents All game fees :
- ✓ Annual hunting license fee is \$325.90
- ✓ A 10-day trip license fee is \$201.25
- ✓ A 3-day trip hunting license fee is \$142.00
- ✓ A non-resident college student hunting license fee is \$28.20.
- ✓ A non-resident college student hunting license fee is \$18.70.
- ✓ Non-resident small game fees:
- ✓ Annual hunting license fee is \$106.40
- ✓ A 10-day trip license fee is \$64.90
- ✓ A 3-day trip license fee is \$47.05

Legally allowed hunting following animals:

- Deer
- Turkey
- Quail
- Dove

- Hogs
- Cran
- Waterfowl
- Alligators, and
- Small game

Residency Requirements: To fulfill the residency requirement, you need to reside in Alabama continuously for a period of not less than 90 days.

Next state of USA is Alaska [13, 20p]

Legal regulations and laws for hunting: Alaska Statutes Title 16. Fish and Game section 16.05.251. Regulations of the Board of Fisheries

Minimum requirements of hunting: Residents that are 18 years of age and older are required to apply for and obtain a hunting license to legally hunt in the state of Alaska. Residents under the age of 18 are not required to obtain a hunting license or state waterfowl stamps. Residents under the age of 10 must be supervised by a licensed hunter and their bag limit will go towards their supervising hunter's number. Residents age 10-17 may have their own bag limit and do not require a licensed supervised hunter. Residents that are 60 years of age or older and disabled veterans may obtain a hunting license free of charge. Residents on active military duty may obtain an annual hunting license free of charge. Non-residents that are 10 years of age and older are required to apply for and obtain a hunting license to legally hunt in the state of Alaska. Non-residents that are under the age of 10 are required to apply for and obtain a hunting license, must be supervised by a licensed hunter, and their bag limit will go towards their supervising hunter's number. [6, 85p]

How much does pay for License Fees? A resident must pay an annual hunting license fee of \$45. A resident must pay an annual trapping license fee of \$25. A resident must obtain an annual state waterfowl stamp for a fee of \$10. Resident big game tag fees*: brown or grizzly bear \$25 each, musk oxen or bull \$500. A non-resident must pay an annual hunting license fee of \$160. A non-resident must pay an annual hunting and trapping license fee of \$405. A non-resident must pay a small game annual hunting license fee of \$60. A non-resident must obtain an annual state waterfowl stamp for fee of \$10. Non-resident military annual hunting license fee of \$45. Non-resident foreign/alien annual hunting license fee of \$630. A non-resident must obtain big game tag fees to hunt brown or grizzly bear, black bear, bison, caribou, deer, elk, goat, moose, sheep, wolf, wolverine, musk oxen bull/cow. A non-resident foreign/alien must pay an annual hunting license fee of \$630. A non-resident foreign/alien must obtain an annual state waterfowl stamp for a fee of \$10. A non-resident foreign/alien must obtain big game tag fees to hunt brown or grizzly bear, black bear, bison, caribou, deer, elk, goat, moose, sheep, wolf, wolverine, musk oxen bull/cow. Most big game are by drawing permit hunt only and vary in requirements and restrictions year to year by the Alaska Department of Fish and Game. Individuals who have low income may apply for a reduced fee hunting license.

Legally allowed hunting following animals:

- ✓ Waterfowl
- ✓ Grouse
- ✓ Hare
- ✓ Crow
- ✓ Pheasant
- ✓ Quail
- ✓ Partridge

- ✓ Wild turkey
- ✓ Snowy owl
- ✓ Ptarmigan,
- ✓ Brown bear
- ✓ Grizzly bear
- ✓ Black bear
- ✓ Bison
- ✓ Caribou
- ✓ Deer
- ✓ Elk
- ✓ Goat
- ✓ Moose
- ✓ Sheep
- ✓ Wolf
- ✓ Wolverine
- ✓ Musk oxen.

Residency Requirements: Residency requires an individual to be physically present in Alaska with the intent to remain in Alaska indefinitely and to make a home in the state. The individual should maintain their domicile in the state for the 12 months immediately preceding their license application, and not obtain benefits under a claim of residency in another state, territory, or country. A member of the military is a resident of Alaska for purposes of hunting licensing if that individual has been stationed in Alaska for the 12 consecutive months immediately preceding their license application [5, 12p]

Third state of research area is Arizona

Legal regulations and laws for hunting: Arizona Revised Statutes Title 17. Game and Fish section 17-301. Times when wildlife may be taken; exceptions; methods of taking.

Minimum requirements of hunting: Residents that are 10 years of age or older are required to apply for and obtain a hunting license to legally hunt in the state of Arizona. Residents under the age of 10 must be supervised by a licensed hunter. An individual or their spouse who is on active military duty stationed in Arizona may obtain a resident hunting license. Non-residents that are 10 years of age or older are required to apply for and obtain a hunting license to legally hunt in the state of Arizona. Residents under the age of 10 must be supervised by a licensed hunter.

How much does pay for License Fees? A resident must pay a general hunting license fee of \$37. A resident must pay a migratory bird stamp fee of \$5. A non-resident must pay a general hunting license (only available as a combination with fishing) fee of \$160. Residents and non-residents must obtain additional hunting permit-tags through application and drawing procedures for the various animals in certain regions to prevent overharvest.

Legally allowed hunting following animals:

- Black bear
- bisonpronghorn
- Bighorn sheep

- Elk
- Javelina
- Mountain lion
- Deer
- Turkey
- Waterfowl
- Bobcat
- Coyote
- Fox
- Skunk
- Badger
- Beaver
- Muskrat
- Otter
- Raccoon
- Ringtail
- Weasel
- Reptiles
- Small game

Residency Requirements: Residency requires an individual to maintain their domicile in the state for the 6 months immediately preceding their license application and the individual does not claim residency in another state or jurisdiction.

Another research area object is Arkansas [13, 15p]

Legal regulations and laws for hunting: Arkansas Code Title 15. Natural Resources and Economic Development section 15-42-104. Resident hunting and fishing licenses

Minimum requirements of hunting: Residents that are 16 years of age or older are required to apply for and obtain a hunting license to legally hunt in the state of Arkansas. Hunting licenses can be obtained for small game, big-game, furbearer, and all game. Non-residents are required to apply for and obtain an annual, 14-day, or 3-day hunting license to legally hunt in the state of Arkansas. Non-residents that are 65 years of age or older, whose home state does not require non-resident hunting licenses for individuals of that age group are not required to obtain a hunting license in Arkansas.

How much does pay for License Fees? A resident must pay an annual all-game hunting license fee of \$25. A resident must pay an annual small game hunting license fee of \$10.50. A resident must pay a waterfowl stamp fee of \$7. A resident must pay a lifetime combination hunting license and fishing permit fee of \$1,000. A resident 65 years of age or older must pay a lifetime hunting license fee of \$25, lifetime hunting and fishing combination license fee of \$35.50, lifetime waterfowl permit fee of \$7.

- A non-resident must pay an annual all-game hunting license fee of \$350 or
- 5-day all-game hunting license fee of \$180
- 3-day all-game hunting license fee of \$125
- 1-day all-game hunting license fee of \$55.

- A non-resident must pay an annual small game hunting license fee of \$110 or
- 5-day small game hunting license fee of \$70.
- A non-resident must pay a trapper's permit fee of \$125.
- A non-resident must pay a waterfowl stamp fee of \$35 or
- 5-day waterfowl stamp fee of \$30.50.

Legally allowed hunting following animals:

- ✓ Alligator
- ✓ Bear
- ✓ Elk
- ✓ Deer
- ✓ Turkey
- ✓ Furbearers
- ✓ Migratory birds
- ✓ Quail
- ✓ Rabbit
- ✓ Squirrel

Residency Requirements: Residency requires an individual to have resided in Arkansas for at least 60 days and proof of residency can be shown by an Arkansas driver's license or a state I.D. card. [7, 12p]

Now we try to explain some cases in hunting sphere, which legally solved.

Conservation Force v. Salazar case (699 F.3d 538 (D.C. Cir. 2012)): After waiting nine years for the U.S. Fish and Wildlife Service (USFWS) to take action on a permit that would allow the Conservation Force and other individuals to import Canadian wood bison as hunting trophies, the Conservation Force brought a suit against the U.S. Department of Interior and the USFWS for violating the Endangered Species Act.

However, once the complaint was filed, the USFWS denied the permit; after this action, the district court dismissed the Conservation Force's case as moot. Plaintiffs then sought to recover attorney fees and costs, but were denied recovery by the district court. On appeal by Plaintiffs, the Court held that since the USFWS delay in processing the permit was not a non-discretionary, statutory duty, as required to recover attorney fees and costs, the appeals court affirmed the lower court's decision.

Dallas Safari Club v. Bernhardt case (--- F.Supp.3d ---, 2020 WL 1809181 (D.D.C. Apr. 9, 2020)): Individual elephant sport hunters and their hunting organizations ("Plaintiffs") filed suit against the United States Fish and Wildlife Service (the "Service") seeking to import their sport-hunted elephant trophies from Africa into the United States. The Plaintiffs moved for a preliminary injunction requiring the Service to process pending and subsequently filed permit applications. The African Elephant is listed as a threatened species under the Endangered Species Act ("ESA") and is also a species that is regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES").

All African elephant trophy imports require the Service to make an enhancement finding, meaning that the killing of the trophy animal will enhance the survival of the species, and issue an ESA permit. Additionally, certain African elephant trophy imports require a non-detriment finding and a CITES import permit. Historically, the Service made periodic countrywide enhancement and non-detriment findings, however, this came to a halt due to a Presidential tweet surrounding media criticism over the Service's decision to lift the suspension on Zimbabwe's ESA enhancement finding. [8, 10p]

The Court found that injunctive relief was not warranted because the Plaintiffs failed to show irreparable harm as to any Plaintiff. The individual Plaintiffs argued that they had suffered both emotional harm and economic harm. However, the Plaintiffs were on notice that their applications could take a significant amount of time to process. Additionally, the emotional distress claimed by the Plaintiffs would be alleviated when the Service issues a decision either granting or denying their permit applications, therefore, the harm that the Plaintiffs were claiming was not irreparable. The Court found that the individual hunter Plaintiffs' alleged emotional and economic injuries were insufficient to warrant a preliminary injunction. [9, 11p]

The organizational Plaintiffs argued that they each were suffering irreparable harm derivatively because the Service's delay in processing permit applications would decrease the popularity of sport hunting in Africa and cause a decrease in funding for conservation efforts. The problem was that the organizational Plaintiffs offered no proof to substantiate this argument. The Court ultimately held that in light of the disruptions caused by COVID-19 and the diminished capacity of the Service to process permit applications during this unprecedented time, it would be unwise and not in the public interest to order the expeditious processing of sport trophy permit applications. The Court denied Plaintiffs' Motion for a Preliminary Injunction. [10, 12p]

Friends of Animals v. Bernhardt case (961 F.3d 1197 (D.C. Cir. 2020)): Appellants consisting of conservation organizations and a safari guide challenged a series of actions of the U.S. Fish and Wildlife Service ("FWS") governing imports of sport-hunted animal trophies from Africa. The Appellants challenged certain findings that the Service made allowing animal trophies to be imported. The Court had reviewed a similar set of findings in another case and concluded that they were legislative rules illegally issued without notice and comment. FWS subsequently withdrew all its findings that were issued without notice and comment including the ones that were challenged by the Appellants in a subsequent memorandum. The Appellants still desired to contest the withdrawn findings. [13, 18p]

The Appellants alleged that it was illegal for the FWS to abandon its prior findings without engaging in APA informal rulemaking and that it was illegal for the FWS to announce its intent to make the necessary findings through informal adjudications in the future. The Appellant's claims fell into three categories: (1) challenges to the 2017 Zimbabwe findings that sport-hunting of elephants would enhance the survival of the species; (2) challenges to the memorandum by the FWS withdrawing their prior findings; and (3) challenges to the memorandum's announcement that the FWS intends to making findings on a case-by-case basis when considering individual permit applications.

The Court found that since the FWS had withdrawn the 2017 findings, they no longer caused the appellants any injury which made any challenges to them moot. The Appellants attempted to argue that the flaws in the 2017 Zimbabwe elephant finding were capable of repetition yet would evade review. The Court rejected this argument. As for the second challenges regarding the memorandum's withdrawal of its prior findings, the Court found that the withdrawal caused no injury to the Appellants. The Court rejected the challenges to the memorandum's announcement that the FWS intended to make findings on a case-by-case basis. Ultimately the Court affirmed the district court's judgment.

In conclusion, the key role of political and legal documents is to determine ideological and organizational foundations for the development of the corresponding sector of the economy and the sphere of public administration. The strategy for the development of the hunting economy in the republic of Uzbekistan until 2030 in its form is a political and legal act designed to determine the priorities and content of the state hunting policy, programs for its implementation, targets and the desired state of the hunting economy by 2030 in the context of structural and institutional changes in the country's economy, a new stage in the technological development of the global economy.

On the basis of the Strategy, the main directions of improving legislation in the field of hunting natural resources should be determined. However, this fundamental state document does not correspond to its

purpose, which negatively affects the state of normative regulation and law enforcement practice, creating a threat to the sustainability of the protection and use of hunting resources.

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