


ALASKA BOARD OF GAME
86-40-GB

DELEGATION OF AUTHORITY

The Board of Game delegates to the Commissioner of Fish and Game the authority to adopt any regulations, including emergency regulations, necessary to implement the emergency regulations adopted by the Board of Game during the meeting which began May 27, 1986 including the authority to define in regulation based upon the information considered by the board and the intent of the board as reflected in its discussion, any areas identified by the board which require description because left undefined at the end of the meeting due to lack of time.

ADOPTED: 6/4/86


BRENDA JOHNSON, CHAIRMAN
ALASKA BOARD OF GAME

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF BOARDS

BILL SHEFFIELD, GOVERNOR

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April 9, 1985

Mr. Don W. Collinsworth
Commissioner
Alaska Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802

Dear Commissioner Collinsworth:

The Board of Game, during its recent meeting, became greatly concerned about the effect of the Alaska Supreme Court's decision in Madison v. Alaska Department of Fish and Game, No. 7410, upon regulation of Alaska's game resources.

The legal principles set out by the court will require substantial reallocation of game among Alaskans because in most cases the board cannot use permit drawings to decide who may participate in a particular hunt, rather, opportunities to hunt must be distributed based on three criteria: (1) direct dependence upon the resource as the mainstay of one's livelihood, (2) local residency, and (3) availability of alternative resources. Furthermore, the court's reasoning in Madison requires that non-state residents be excluded from many hunts.

The attached findings explain these problems and the steps the board has determined are necessary. First, we request that you adopt by delegation, regulations prohibiting non-state residents from participating in most permit drawing hunts. Second, we ask that a call for proposals be issued for the fall/winter 1985 meeting so we can begin to restructure permit drawing hunts into another format based on the three criteria.

Unless the Legislature restores the regulatory authority and flexibility exercised by the boards prior to Madison, the Board of Game must proceed under the legal principles articulated by the court. The Madison rules, however, make it extremely difficult for the board to manage game resources properly and to

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provide reasonable hunting opportunities which can be enjoyed by the public. The rules impair the balance among uses which had been established by the board.

Sincerely,

Beth Steward for

Brenda Johnson
Chairman
Alaska Board of Game

Enclosure