

*This proposal was considered by the Board of Game at the November, 2011 meeting. It was amended to apply statewide and deferred to the Statewide Regulations meeting scheduled for January, 2012.*

**PROPOSAL 14 - 5 AAC 84.270 Furbearer trapping.** Close nonresident trapping seasons for certain species within the Arctic Region Units.

For species defined in 5 AAC 99.025(13)(a) – (m) amend 5 AAC 84.270 as follows:

**Units 18, 22, 23, & 26A**

**Nonresidents: No open season**

**ISSUE:** Nonresident harvest opportunity under a trapping license for furbearers and fur animals with a positive customary and traditional use finding and a 100 percent harvestable surplus amount needed for subsistence (ANS) finding statewide [5AAC 99.025 (13) (a) – (m)].

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The Board of Game will continue to illegally authorize nonresident trapping harvest opportunity for furbearers and fur animals with a positive C&T and an ANS finding of 100 percent of the harvestable surplus.

The amount needed for subsistence findings must consider historical harvest rates of all resident Alaskans. The Alaska Constitution guarantees fair and equal access to Alaska's wildlife resources for all Alaskans.

Alaska Constitution, Article 8, Section 3 "Common Use": "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use".

Traditional harvest of wolves in these Units therefore must include the traditional use levels of all Alaskans that have harvested wolves in these Units if the amount needed for subsistence is to reflect the needs of all Alaskans, the intent of AS 16.05.258, the findings of the Alaska Superior Court, and the Alaska Constitution.

"A requirement that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates the Alaska Constitution, art. VIII, sec. 3, 15 & 17 - McDowell vs. State, 785 P. 2D 1 (Alaska 1989).

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?** Yes, protecting the sustained yield for the subsistence take of furbearers and fur animals by residents of Alaska is the highest priority for the management of Alaska's resources, for upholding Alaska's constitution, and the legislative intent for establishing the Board of Game to make recommendations to the ADF&G regarding the management of Alaska's wildlife resources.

**WHO IS LIKELY TO BENEFIT?** Residents that support the management of fur bearers and fur animals based on the sustained yield principle that prioritizes harvest for residents. Alaskan's have a long history of relying on furbearer and fur animal pelts to support their subsistence lifestyle.

**WHO IS LIKELY TO SUFFER?** Those that would prefer to allocate furbearer and fur animal harvest opportunity under a trapping license to nonresidents when the Board of Game has determined 100 percent of the harvestable surplus is the amount residents need to meet their subsistence needs.

**OTHER SOLUTIONS CONSIDERED:** The Alaska Constitution requires it. No other option exists.

**PROPOSED BY:** Science Now Project!

**LOG NUMBER:** EG052611506

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