

The following proposal was submitted by the proposal deadline but was not included because the proposed changes have statewide applicability and are not limited to the Copper Basin Area Community Subsistence Harvest Hunt. It is being distributed to the board and the public for consideration at the March 2017 meeting to apply only to Units 11, 12, and 13.

PROPOSAL 44 - 5 AAC 90.072. Community subsistence harvest hunt area and permit conditions. Modify the permit conditions for the community subsistence harvest hunt permit conditions for the Copper Basin Community Subsistence Hunt as follows:

Amend 5 AAC 92.072. Community subsistence hunt area and permit conditions.

(a) The commissioner or the commissioner's designee may, under this section and 5 AAC 92.052, issue community-based subsistence harvest permits and harvest reports for big game species where the Board of Game (board) has established a community harvest hunt area under (b) of this section and 5 AAC 92.074 **and has authorized a community to receive a permit in the area.**

(b) The board will consider proposals to establish community harvest hunt areas **and to identify a community eligible for a community-based subsistence harvest permit in the area** during regularly scheduled meetings to consider seasons and bag limits for affected species in a hunt area. Information considered by the board in evaluating **a community's proposal** [THE PROPOSED ACTION] will include

(1) a description of the community making a proposal that is consistent with the definition in section (i)(2) of this regulation;

(2) [(1) a geographic description of the hunt area used by the community for community-based subsistence harvests of wildlife;

(3) [(2)] the sustainable harvest and current subsistence regulations and findings for the big game population to be harvested and the bag limit, season and other regulations necessary to provide a reasonable opportunity for the community's subsistence uses;

(4) [(3)] patterns and practices of harvest, use and distribution of a wide diversity of subsistence resources taken in the distinct area used by the community that are consistent with community-based patterns of subsistence uses [HARVEST AND SHARING OF THE WILDLIFE RESOURCES HARVESTED IN THE HUNT AREA BY ANY GROUP]; and

(5) [(4)] other characteristics of harvest practices in the hunt area and within the community, including characteristics of the customary and traditional pattern of use found under 5 AAC 99.010(b).

(c) If the board has established a community harvest hunt area for a big game population, **and identified a community eligible for a community-based subsistence harvest permit in the area, members** [RESIDENTS] of the community [OR MEMBERS OF A GROUP] may elect to participate in a community harvest permit hunt in accordance with the following conditions:

(1) a person representing **the community** [A GROUP OF 25 OR MORE RESIDENTS OR MEMBERS] may apply to the department for a community harvest permit in [BY IDENTIFYING] the community harvest hunt area and the species to be hunted, and by requesting that the department distribute community harvest reports to the individuals who subscribe to the community harvest permit; the community [OR GROUP] representative must

(A) provide to the department the names of [RESIDENTS OR] members subscribing to the community harvest permit and the [RESIDENTS' OR] members' hunting license numbers, permanent hunting identification card numbers, or customer service identification numbers, or for those [RESIDENTS OR] members under 16 years of age, the [RESIDENT OR] member's birth date;

[(B) ENSURE DELIVERY TO THE DEPARTMENT OF VALIDATED HARVEST REPORTS FROM HUNTERS FOLLOWING THE TAKE OF INDIVIDUAL GAME ANIMALS, RECORDS OF HARVEST INFORMATION FOR INDIVIDUAL ANIMALS TAKEN, AND COLLECTED BIOLOGICAL SAMPLES OR OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT FOR MANAGEMENT;]

(B)[(C)] provide the department with harvest information, including federal subsistence harvest information, within a specified period of time when requested, and a final report of all game taken under the community harvest permit within 15 days of the close of the hunting season or as directed in the permit.[: AND]

[(D) MAKE EFFORTS TO ENSURE THAT THE APPLICABLE CUSTOMARY AND TRADITIONAL USE PATTERN DESCRIBED BY THE BOARD AND INCLUDED BY THE DEPARTMENT AS A PERMIT CONDITION, IF ANY, IS OBSERVED BY SUBSCRIBERS INCLUDING MEAT SHARING; THE APPLICABLE BOARD FINDING AND CONDITIONS WILL BE IDENTIFIED ON THE PERMIT; THIS PROVISION DOES NOT AUTHORIZE THE COMMUNITY OR GROUP ADMINISTRATOR TO DENY SUBSCRIPTION TO ANY COMMUNITY RESIDENT OR GROUP MEMBER;]

[(E) BEGINNING JULY 1, 2014, IN THE COMMUNITY HARVEST HUNT AREA DESCRIBED IN 5 AAC 92.074(D), PERMITS FOR THE HARVEST OF BULL MOOSE THAT DO NOT MEET THE ANTLER RESTRICTIONS FOR OTHER RESIDENT HUNTS IN THE AREA WILL BE LIMITED TO ONE PERMIT FOR EVERY THREE HOUSEHOLDS IN THE COMMUNITY OR GROUP.]

(2) a **member** [RESIDENT] of the community [OR MEMBER OF THE GROUP] who elects to subscribe to a community harvest permit

(A) may not hold a harvest ticket or other state hunt permit for the same species where the bag limit is the same or for fewer animals during the same regulatory year; however, a person may hold harvest tickets or permits for same-species hunts in areas with a larger bag limit following the close of the season for the community harvest permit, except that in Unit 13, only one caribou may be retained per household;

(B) may **only** [NOT] subscribe to [MORE THAN] one community harvest permit for a species during a regulatory year **and may not subscribe to another community harvest permit for a period of three years;**

(C) must have in possession when hunting and taking game a community harvest report issued by the hunt administrator for each animal taken;

(D) must validate a community harvest report immediately upon taking an animal; and

(E) must report harvest and surrender validated harvest reports within five days, or sooner as directed by the department, of taking an animal and transporting it to the place of final processing for preparation for human use and provide information and biological samples required under terms of the permit;

(F) must, if the community harvest hunt area is under a Tier II permit requirement for the species to be hunted, have received a Tier II permit for that area, species, and regulatory year.

(G) must commit to engage the pattern of harvest, use and distribution that has been identified by the board for the area and for the community.

[(G) BEGINNING JULY L, 2016, FOR PARTICIPANTS IN THE COMMUNITY HARVEST HUNT AREA DESCRIBED IN 5 AAC 92.074(D), MUST COMMIT TO PARTICIPATION FOR TWO CONSECUTIVE YEARS.]

(3) in addition to the requirements of (1) of this subsection, the **board may require as a permit condition that a** community [OR GROUP] representative [MUST] submit a complete written report [,] on a form provided by the department [, FOR THE COMMUNITY OR GROUP PARTICIPATING IN THE COMMUNITY HARVEST HUNT AREA DESCRIBED IN 5 AAC 92.074(d),] that describes [EFFORTS BY] the [COMMUNITY] **community's practice** [OR GROUP TO OBSERVE] **of** the customary and traditional use pattern described by board **in authorizing the** [FINDINGS FOR THE GAME POPULATIONS HUNTED UNDER THE CONDITIONS OF THIS] community harvest permit; in completing the report, [THE REPRESENTATIVE MUST MAKE EFFORTS TO COLLECT A COMPLETE REPORT FROM] each household that is a member of the community [OR GROUP] **must submit a report** that describes [EFFORTS BY THE HOUSEHOLD TO OBSERVE] the **household's practice of the community-based** customary and traditional use pattern [USING THE EIGHT ELEMENTS DESCRIBED IN THIS PARAGRAPH]; a copy of all household reports collected by the community or group representative shall be submitted to the department as a part of the representative's written report. **The department shall require this reporting from any community for which the board has not made a finding that the community has demonstrated a long-term, consistent pattern of community-based customary and traditional use of the community's subsistence use area. The Department may waive the reporting requirement after 5 consecutive years of complete reporting and thereafter require reporting as the department decides is necessary.** [; COMPLETE REPORTS MUST INCLUDE INFORMATION ABOUT EFFORTS TO OBSERVE THE CUSTOMARY AND TRADITIONAL USE PATTERN OF THE GAME POPULATION, AS FOLLOWS:

(A) ELEMENT 1: PARTICIPATION IN A LONG-TERM, CONSISTENT PATTERN OF NONCOMMERCIAL TAKING, USE, AND RELIANCE ON THE GAME POPULATION: THE NUMBER OF YEARS OF TAKING AND USE OF THE GAME POPULATION; AND INVOLVEMENT OF MULTIPLE GENERATIONS IN THE TAKING AND USE OF THE GAME POPULATION; AND USE OF AREAS OTHER THAN THE COMMUNITY SUBSISTENCE HUNT AREA FOR HARVEST ACTIVITIES;

(B) ELEMENT 2: PARTICIPATION IN THE PATTERN OF TAKING OR USE OF THE GAME POPULATION THAT FOLLOWS A SEASONAL USE PATTERN OF HARVEST EFFORT IN THE HUNT AREA: THE MONTHS AND SEASONS IN WHICH NONCOMMERCIAL HARVEST ACTIVITIES OCCUR IN THE HUNT AREA;

(C) ELEMENT 3: PARTICIPATION IN A PATTERN OF TAKING OR USE OF WILD RESOURCES IN THE HUNT AREA THAT INCLUDES METHODS AND MEANS OF HARVEST CHARACTERIZED BY EFFICIENCY AND ECONOMY OF EFFORT AND COST: COSTS ASSOCIATED WITH HARVESTS; AND METHODS USED TO REDUCE COSTS AND IMPROVE EFFICIENCY OF HARVEST; AND NUMBER OF SPECIES HARVESTED DURING HUNTING ACTIVITIES;

(D) ELEMENT 4: PARTICIPATION IN A PATTERN OF TAKING OR USE OF WILD RESOURCES THAT OCCURS IN THE HUNT AREA DUE TO CLOSE TIES TO THE AREA: NUMBER OF YEARS OF TAKING AND USE OF THE GAME POPULATION; AND INVOLVEMENT OF MULTIPLE GENERATIONS IN THE TAKING AND USE OF THE GAME POPULATION; AND VARIETY OF HARVESTING ACTIVITIES THAT TAKE PLACE IN THE HUNT AREA; AND EVIDENCE OF OTHER AREAS USED FOR HARVEST ACTIVITIES;

(E) ELEMENT 5: USE OF MEANS OF PROCESSING AND PRESERVING WILD RESOURCES FROM THE HUNT AREA THAT HAVE BEEN TRADITIONALLY USED BY PAST GENERATIONS: COMPLETE LISTING OF THE PARTS OF THE HARVESTED GAME THAT ARE USED; AND PRESERVATION METHODS OF THAT GAME; AND TYPES OF FOODS AND OTHER PRODUCTS PRODUCED FROM THAT HARVEST;

(F) ELEMENT 6: PARTICIPATION IN A PATTERN OF TAKING OR USE OF WILD RESOURCES FROM THE HUNT AREA THAT INCLUDES THE HANDING DOWN GROUP OF 25 OR MORE RESIDENTS OR MEMBERS OF KNOWLEDGE OF HUNTING SKILLS, VALUES, AND LORE ABOUT THE HUNT AREA FROM GENERATION TO GENERATION: INVOLVEMENT OF MULTIPLE GENERATIONS IN THE TAKING AND USE OF THE GAME POPULATION; AND EVIDENCE OF INSTRUCTION AND TRAINING;

(G) ELEMENT 7: PARTICIPATION IN A PATTERN OF TAKING OF WILD RESOURCES FROM THE HUNT AREA IN WHICH THE HARVEST IS SHARED THROUGHOUT THE COMMUNITY: AMOUNT OF HARVEST OF THE GAME POPULATION THAT IS SHARED; AND EVIDENCE OF A COMMUNAL SHARING EVENT; AND SUPPORT OF

THOSE IN NEED THROUGH SHARING OF THE HARVEST OF THE GAME POPULATION; AND

(H) ELEMENT 8: PARTICIPATION IN A PATTERN THAT INCLUDES TAKING, USE, AND RELIANCE ON A WIDE VARIETY OF WILD RESOURCES FROM THE HUNT AREA: THE VARIETY OF RESOURCE HARVEST ACTIVITIES ENGAGED IN WITHIN THE HUNT AREA; AND EVIDENCE OF OTHER AREAS USED FOR HARVEST ACTIVITIES.]

(d) Seasons for community harvest permits will be the same as those established for other subsistence harvests for that species in the geographic area included in a community harvest hunt area, unless separate community harvest hunt seasons are established. The total bag limit for a community harvest permit will be equal to the sum of the individual participants' bag limits, established for other subsistence harvests for that species in the hunt area or **the board may establish a quota for the total subsistence harvest for a community** [BY THE BOARD]. Seasons and bag limits may vary within a hunt area according to established subsistence regulations for different game management units or other geographic delineations in a hunt area.

(e) Establishment of a community harvest hunt area will not constrain nonsubscribing [RESIDENTS OF THE] community [OR] members [OF THE GROUP] from participating in subsistence harvest activities for a species in that hunt area using individual harvest tickets or other state permits authorized by regulation, nor will it require any **member** [RESIDENT] of the community [OR MEMBER OF THE GROUP] eligible to hunt under existing subsistence regulations to subscribe to a community harvest permit.

(f) The department may disapprove an application for a community subsistence harvest permit from a community [OR GROUP] that has previously failed to comply with requirements in (c)(1) and (3) of this section **and may disapprove a community harvest ticket to any community member who has previously failed to comply with the reporting requirements of (c)(3) of this section**. The failure to report by the community [OR GROUP] representative under (c)(1) and (3) of this section may result in denial of a community subsistence harvest permit during the following regulatory year. **The failure to report by a community member under (c)(3) of this section may result in denial of a community harvest ticket during the following regulatory year.** The department must allow a representative **or a member** the opportunity to request a hearing if the representative **or member** fails to submit a complete report as required under (c)(1) and (3) of this section. A community [OR GROUP] **or member** aggrieved by a decision under this subsection will be granted a hearing before the commissioner or the commissioner's designee, if the community [OR GROUP] representative **or member** makes a request for a hearing in writing to the commissioner within 60 days after the conclusion of the hunt for which the person failed to provide a report. The commissioner may determine that the penalty provided under this subsection will not be applied if the community [OR GROUP] representative **or member** provides the information required on the report and if the commissioner determines that

(1) the failure to provide the report was the result of unavoidable circumstance; or

(2) extreme hardship would result to the community [OR GROUP] **or member.**

(g) A person may not give or receive a fee for the taking of game or receipt of meat under a community subsistence harvest permit.

(h) Nothing in this section authorizes the department to delegate to a community or group representative determination of the lawful criteria for selecting who may hunt, for establishing any special restrictions for the hunt and for the handling, **use and distribution** of game **that is inconsistent with the patterns and practices of community-based subsistence harvest and use identified by the board** [AND FOR ESTABLISHING THE TERMS AND CONDITIONS FOR A MEANINGFUL COMMUNAL SHARING OF GAME TAKEN UNDER A COMMUNITY HARVEST PERMIT].

(i) In this section,

(1) "fee" means a payment, wage, gift, or other remuneration for services provided while engaged in hunting under a community harvest permit; and does not include reimbursement for actual expenses incurred during the hunting activity within the scope of the community harvest permit, or a non-cash exchange of subsistence-harvested resources.

(2) a "community" [OR "GROUP"] is a group **of 25 or more members** [OF PEOPLE] linked by **their** [A COMMON INTEREST IN, AND] participation in **a consistent pattern of noncommercial taking, use, and reliance on a wide diversity of subsistence resources in** [,] an **identified** area [AND THE WILDLIFE POPULATIONS IN THAT AREA,] that **provides substantial economic, cultural or social, and nutritional elements of the subsistence way of life of the community and its members** [IS CONSISTENT WITH THE CUSTOMARY AND TRADITIONAL USE PATTERN OF THAT WILDLIFE POPULATION AND AREA AS DEFINED BY THE BOARD].

What is the issue you would like the board to address and why? Amend the regulation establishing the department's authority to issue community-based subsistence harvest permits and harvest reports for big game in order to implement the board's intent when originally establishing the CSH for the eight communities listed in 5 AAC 92.074(d). The proposal: 1) makes it clear that the community subsistence hunt (CSH) is intended for "communities" that are genuinely engaged in the community-based pattern of subsistence hunting rather than merely any group of 25 residents without any link other members besides the desire to take advantage of increased harvest opportunity through participation in the CSH regulations; 2) requires each community that wishes to establish a CSH to make a proposal to the board that includes that community's subsistence hunting area and a pattern of community-based subsistence use of the area; 3) requires the board to make a determination that a community is eligible before the department can issue a CSH permit to that community; 4) amends to reporting requirements to allow waiver for communities that demonstrate and long-term consistent pattern of use and for communities that have successfully completed five years of reporting; 5) eliminates the restriction of only issuing one locking tag to harvest an "any bull" moose for every three households in a CSH community; and 6) requires each community to demonstrate a quota or other allocation that is the amount necessary for subsistence uses for the community and a season

or other methods, means etc. that is necessary to provide a reasonable opportunity for the community's subsistence uses.

PROPOSED BY: Ahtna Tene Nene'

(EG-F16-164)
