

*Note: The Board of Game deferred this proposal from the November 2017 Statewide Regulations Meeting to the February 2018 Central/Southwest Region Meeting.*

*The following proposal requests regulatory changes that are both statewide and specific to the Central/Southwest Region (see Proposal 98). The board will take public testimony at the November 2017 Statewide Regulations Meeting, and may defer taking final action on the proposal until the February 2018 Central/Southwest Region Meeting.*

**PROPOSAL 56 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions.** Modify the community subsistence harvest permit conditions as follows:

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

Throughout the regulation the term/phrase “a resident of a community or member of a group” is used to define those participating in the community subsistence hunt (CSH). The regulations should be amended to clarify that the CSH is for “communities”, not simply any “group” of individuals who are Alaska residents. The use of the term “group” diminishes the “community” aspect of the hunt. A “group” can be those who only get together over the internet. A “group” can consist of those who only get together once a year for a potluck that includes a dish or two containing a little moose or caribou taken by a member of the group. The use of the term “group” encourages the kind of abuse that has occurred in the CSH. It takes a “community” to practice the community pattern of C&T (customary and traditional) uses that the Board of Game (board) has set as a condition for participating in the hunt for the Copper Basin area (5 AAC 92.074(d)). Therefore, the term “group” should be stricken from the regulation and replaced when necessary with “community.”

The term “resident” should also be stricken, because a “community” of subsistence users may not all be residing in the same physical location. For example, the community composed of the eight Ahtna villages includes some Alaska residents who do not live in the area, but who continue to hunt, fish and gather subsistence resources in the area and to participate in the Ahtna customary and traditional hunting way of life, including widespread sharing, teaching traditional knowledge and values, potlatches, etc. Therefore, the term “community members” should be uniformly applied throughout the regulation when describing who is eligible to participate in the CSH. The term “residents” should be stricken.

Likewise, when describing the CSH administrator, the term “community administrator” should be used throughout the regulations. The term “group” should be deleted when the regulation references CSH administration.

Additionally amend 5 AAC 92.072. Community subsistence harvest hunt areas as follows:

- (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. **Prior to issuing a permit and harvest reports for the community hunt area described in 5 AAC 92.074(d), the commissioner or designee shall**

**determine, on the basis of an application form developed by the department, that the community applying for the permit conforms with the definition of “community” set forth in section (i) of this regulation.**

...

(c) If the board has established a community harvest hunt area for a big game population, [RESIDENTS] **members** 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)(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 who agrees to practice the applicable customary and traditional use pattern as practiced by the community;**

...

(c)(3) in addition to the requirements of (1) of this subsection, the 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 [OR GROUP] to observe the customary and traditional use pattern described by board 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] that describes efforts by the household to observe the 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; 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 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.

**(c)(4) the department may waive the annual reporting requirement and institute a five-year reporting period for any community which has demonstrated, through reports submitted annually over a five-year period, a high degree of participation in the customary and traditional community use pattern described in board findings for the area.**

...

(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. The failure to **submit a** report by the community [OR GROUP] representative under (c) [(1) AND] (3) of this section **which demonstrates, pursuant to criteria and a scoring system established by the department, that the community is observing the customary and traditional use pattern described by board findings for the game populations hunted under the conditions of this community harvest permit shall** [MAY] result in denial of a community subsistence harvest permit for the area during the following **two** regulatory years **for all members of the community.** The department must allow a representative the opportunity to request a hearing if the representative fails to submit a complete report as required under (c)(1) and (3) of this section. A community [OR GROUP] 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 **a member of the community** makes a request for a hearing in writing to the commissioner within 60 days after **receiving notice from the department that the community will be denied a community subsistence harvest permit for the following year.** [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 **sufficient to satisfy the department's requirements** 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.**

...

(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 of game, and for establishing the terms and conditions for a meaningful communal sharing of game taken under a community harvest permit, **except that a community representative shall require participating community members to observe the customary and traditional use pattern described by board findings for the game populations hunted as that pattern of use is practiced by the community.**

...

(i) In this section,

(2) a "community" [OR "GROUP"] is “a group **of 25 or more individuals** [OF PEOPLE] linked by 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?** This proposal: 1) amends the regulation to delete the terms “group” and “residents” and replaces these terms with the term “community” and “members”; 2) amends the authority of the Department of Fish and Game (department) to issue community-based subsistence harvest permits and harvest reports for the Copper Basin area (5 AAC 92.074(d)) to require the department to create an application form that establishes that the applicant is a “community” as that term is defined in the regulation; 3) amends the definition of “community” to make it clear that groups applying for and participating in the CSH share a common interest and participation in the pattern of C&T community use identified by the board for wildlife resources in that area and which provides substantial economic, cultural or social, and nutritional elements of the subsistence way of life of the community and its members; 4) requires the department to develop and apply a scoring system for annual reports from CSH administrators for the CSH in the area described in 5 AAC 92.074(d), and to disqualify a community and all members of the community for two years from participating in a CSH in this area if the annual report fails to satisfy the minimum score developed by the department for demonstrating that a community is observing the community pattern of subsistence use that is a condition of the permit for the area; 5) allows the department to waive the annual CSH administrator reporting requirement for the area described in 5 AAC 92.074(d) if a community has established a solid record of practicing the applicable C&T pattern of use, and replace it with a report once every five years; and 6) allows a CSH administrator to require all members of the CSH community to observe the C&T pattern of use recognized by the

board in establishing the CSH, including specific practices of the community that are consistent with the pattern of use recognized by the board.

**PROPOSED BY:** Ahtna Tene Nene'

(HQ-F17-026)

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*Note: The Board of Game deferred this proposal from the November 2017 Statewide Regulations Meeting to the February 2018 Central/Southwest Region Meeting.*

**PROPOSAL 57 – 5 AAC 85.072(i)(2). Community subsistence harvest hunt area and permit conditions.** Change the definition of “community” or “group” for community subsistence harvest hunts as follows:

**5 AAC 92.072(i)(2) is entirely repealed and readopted to read:**

**(2) a “community” or “group” is a mutual support network of people who routinely (at least several times each year) provide each other with physical, emotional, and nutritional assistance in a multi-generational and inter/intra familial manner to assure the long-term welfare of individuals, the group, and natural resources they depend on.**

Existing 5 AAC 92.072(i)(2)

(2) a “community” or “group” is a group of people linked by a common interest in, and participation in uses of, an area and the wildlife populations in that area, that is consistent with the customarily 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?** The Board of Game requested this proposal during the March, 2017 board meeting concerning caribou and moose hunting in Units 11, 12 and 13. During that meeting, the board received several public comments from community subsistence harvest hunt participants about the effectiveness of the program. Testimony also emphasized the importance for natural resource conservation to ensure long term sustenance and customary and traditional uses. The board agreed a modification to the definition of community/group is necessary to more accurately reflect the intent of the community subsistence harvest hunt regulations and further clarify how the community hunt is distinguished from the individual Tier I hunt. The customary and traditional use pattern described in regulation (92.072 subsection c), and the Board of Game findings #2006-170-BOG and #211-184-BOG, remain in effect and are an important element of the Copper Basin Community Subsistence Harvest hunt.

The board encourages input from the public on the current and proposed definitions to be considered at the November 2017 Statewide Regulations meeting.

**PROPOSED BY:** Board of Game (HQ-F17-056)

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*Note: The Board of Game deferred this proposal from the November 2017 Statewide Regulations Meeting to the February 2018 Central/Southwest Region Meeting.*

**PROPOSAL 58 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions; and 92.220. Salvage of game meat, furs, and hides.** Modify the salvage requirements for moose and caribou taken under community subsistence harvest hunts as follows:

Community harvest hunts for caribou and moose must have all meat stay naturally attached to the bone.

**What is the issue you would like the board to address and why?** By having all meat stay naturally attached to the bone, the Denali Fish and Game Advisory Committee suggests that this will help prevent and simplify enforcement of wanton waste. This includes the existing front quarter, hind quarter and rib meat as well as all of the neck meat, all of the brisket, and all of the meat along the backbone.

**PROPOSED BY:** Denali Fish and Game Advisory Committee (HQ-F17-004)

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*Note: The Board of Game deferred this proposal from the November 2017 Statewide Regulations Meeting to the February 2018 Central/Southwest Region Meeting.*

*The Board of Game does not have authority to change the Tier II scoring criteria to include nonconsumptive use per Alaska Statute 16.05.258.*

**PROPOSAL 59 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions; and 92.070. Tier II subsistence hunting permit point system.** Consider all customary and traditional uses as eligibility criteria for Tier II and community subsistence harvest hunts as follows:

Consider all customary and traditional (C&T) uses as eligibility criteria preferences for all Tier II and community subsistence harvest (CSH) permit applications.

**What is the issue you would like the board to address and why?** Customary and traditional uses of fish and game populations. Consider the use of customary and traditional hand-made manufacture and use of subsistence harvest of non-edible animal parts harvested for customary and traditional practical use of hides, bones, horns, antlers, religious use, jewelry, barter, trade, and gifts, as priority preferences eligibility for all statewide subsistence use application permits.

Presently, no ADF&G applications for Tier II or CSH subsistence use permits consider or respect the customary and traditional uses of non-edible long-time traditional and customary uses and handicrafts for subsistence eligibility criteria.

**PROPOSED BY:** Kenneth Manning (EG-F17-056)  
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*Note: The Board of Game deferred the following portions of Proposal 67 from the November 2017 Statewide Regulations Meeting to the February 2017 Central/Southwest Region Meeting.*

**PROPOSAL 67B – 5 AAC 92.122. Unit 16 intensive management plan, and 92.530. Management Areas.** To comply with recent statutory changes, review and update regulations with minimum hunting age requirements as follows:

The Department of Fish and Game (department) recommends the Board of Game (board) examine the age requirements of all existing regulations given action taken by the legislature to raise the minimum age requirement for Alaska residents to purchase licenses from 16 to 18 years of age.

**5 AAC 92.122(b)(4)(D)(vii). Unit 16 Intensive Management Plan.**

(vii) taking of bears by foot snaring by permit only from April 15 through October 15; permittees must be accompanied by another person, age **18** [16] or older, when conducting foot snaring activities in the field; foot snaring permits will be issued at the discretion of the department based on previous trapping experience, ability to help train other participants, and length of time available for participation in a snaring program; a selected foot snaring permittee must successfully complete a department-approved training program, must be a resident **18** [16] years of age or older, and report all animals taken by the permittee to the department within 48 hours of taking;

**5 AAC 92.530. Management Areas.**

(6) Skilak Loop Wildlife Management Area:

(A) the area consists of that portion of Units 15(A) and 15(B) bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop Road (milepost 58), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Loop Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway (milepost 75.1), then easterly along the Sterling Highway to the point of origin;

AAC 92.530(6)(B) is repealed and readopted to read:

(B) the area is closed to hunting and trapping, except that:

(i) moose may be taken by permit only;

(ii) small game may be taken by:

(a) falconry or bow and arrow only from October 1 through March 1;

and

(b) standard .22 caliber rimfire firearm and shotgun only, in that portion of the area west of a line from the access road from the Sterling Highway to Kelley Lake, the Seven Lakes Trail, and the access road from Engineer Lake to Skilak Lake Road, and north of Skilak Lake Road, during each Saturday and Sunday from November 1 through December 31 and the Friday following Thanksgiving day, by youth hunters **18** [16] years old or younger accompanied by a licensed hunter 18 years old or older who has successfully completed a certified hunter

education course if the youth has not successfully completed a certified hunter education course;

(iii) wolf, coyote, and lynx may be taken under applicable hunting regulations from November 10 through March 31, except within 1/4 mile of the Engineer, Kelly, Petersen and Hidden Lake campgrounds and within 1/4 mile of boat launches.

(C) a firearm may not be discharged within one-quarter mile of any campground;

...

(30) the Hatcher Pass Youth Hunt Management Area:

(A) the area consists of that portion of Unit 14(A) within the upper Little Susitna River drainage upstream of mile 13.6 on Hatcher Pass Road (Gold Mint Trail parking area) and ¼ mile away from the road including Archangel and Fishhook Creeks, and upper Little Susitna River drainages. Also, portions of the upper Willow Creek drainage upstream of the confluence of Willow and Craigie Creeks, including Grubstake Gulch and Homestake Creeks, Summit Lake, and Bullion and Skyscraper Mountains. There is no discharge of firearms allowed within ¼ mile of the road.

(B) from August 10 to August 25, the area is closed to small game hunting except that small game may be taken by a youth hunter **18** [16] years old or younger accompanied by a licensed hunter 18 years old or older who has successfully completed a certified hunter education course if the youth hunter has not successfully completed a certified hunter education course.

**What is the issue you would like the board to address and why?** There are 13 places in regulation that refer to licensed hunters, hunters, and permit holders 16 years of age. Effective January 1, 2017, the Alaska legislature changed the minimum age requirement for Alaska residents to purchase a hunting, trapping, and fishing license from 16 to 18 years of age, which put these 13 places in regulation in contradiction with the statutes. In some cases the conflicting ages may be appropriate, in many cases the age in regulation appears to have been driven by the license requirement only. The proposed changes to 5 AAC 92.012, 5 AAC 92.052, and 5 AAC 92.072 must be made in order for board regulations to be in compliance with the recent statutory changes. All of the other changes in this proposal are at the board's discretion.

For most of the identified regulations the department has little data, if any, regarding the number of people that may be impacted by this change. Some of the regulations are not currently used, for example, bear control in Unit 16 is not currently being implemented, so the change would not impact anyone because there are no participants.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F17-029B)

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*Note: Proposal 165 was accepted by the Board of Game as an Agenda Change Request for consideration at the Central/Southwest Region Meeting in February 2018.*

**PROPOSAL 165 – 5 AAC 85.045. Hunting seasons and bag limits for moose.** Open a registration hunt for moose in Unit 19A as follows:

Replace the closed area of Unit 19A with a registration Tier I permit hunt. Permits would be available at the store in Sleetmute. Permit application would be for one week, one month before opening season. Anyone acquiring this permit can have no other hunting permits in the Kuskokwim drainage.

**What is the issue you would like the board to address and why?** The closure of Unit 19A above the George River to moose hunting. The fish and game survey of spring 2017 showed there is a harvestable population for the first time since the closure in 2006.

This hunting season should have been available in the 2017 cycle of the Board of Game for Interior-Northeast Arctic Region, however weather conditions did not allow for aerial surveys to validate this opening until the board cycle was past. The advisory committee was not able to put an agenda change request together because of all the summer activities of its members.

If the problem is not solved prior to the regular cycle, the local people will not have an opportunity to take moose in close proximity of their communities.

This will be a Tier I registration permit hunt available to all Alaskans.

**PROPOSED BY:** Henry Hill

(HQ-F17-ACR1)

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*Note: Proposal 166 was accepted by the Board of Game as an Agenda Change Request for consideration at the Central/Southwest Region meeting in February 2018. The proposal references ACR 2, which was not accepted by the board as a separate proposal for the Dillingham meeting because it did not meet the ACR criteria in 5 AAC 92.005. However, the board approved adding the issues raised for discussion in conjunction with its consideration of Proposal 166.*

**PROPOSAL 166 – 5 AAC 85.025. Hunting seasons and bag limits for caribou; 99.025. Customary and traditional uses of game populations; and 92.052. Discretionary permit hunt conditions and procedures.** Modify the hunt structure for the Fortymile caribou herd in Units 20 and 25 as follows:

The season is set in regulation for different zones within the Fortymile harvest area. (Several Units or portions thereof.) The board should consider the option of opening all zones as early as August 10. The board should consider keeping the season open until the fall quota has been achieved. Also, the board should change the opening date for the winter hunt to November 1 and keep it open until the winter quota has been met.

Per the board’s action at its January 5, 2018 teleconference, when considering this Proposal 166, the board may also consider issues raised in ACR 2, attached to this proposal.

**What is the issue you would like the board to address and why?** The November 2017 population estimate was significantly higher than expected; high enough to "trigger" a higher harvest quota. Changes to season, area(s) and bag limit are necessary if Alaska hunters are going to harvest the higher quota. At 75,000 plus animals and a high growth rate it is an important opportunity to change now in order to reach the quota(s) and possibly slow the herd growth rate.

If the regulations are not changed, limiting harvest to the below 70,000 population quota(s) will eliminate nearly a doubling of the overall Alaska harvest quota. Hunters have been very patient for the 30 years of this herd's recovery from low population. There are habitat concerns that are being studied. Continued artificially low harvest will not decrease the growth rate.

The changes are necessary because of new population data which became available considerably after the proposal deadline. Not changing could cause a significant loss of opportunity.

The Fortymile Caribou Herd Harvest Coalition meets in late January (2018) and can provide their perspective on these issues.

**PROPOSED BY:** Mike Tinker

(HQ-2018-ACR3)

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**ACR 2** – Modify the hunt structure for the Fortymile caribou herd in Units 20 and 25.

**SUBMITTED BY:** Al Barrette

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 85.025, Fortymile caribou, Units 20B, 20D, 20E, and 25C, December hunt opportunity, and 5 AAC 99.025(4) Customary & Traditional uses of game populations.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

I believe the harvest opportunity of Fortymile caribou in the December residents only, one caribou bag limit, Tier I registration hunt with in the Fairbanks Nonsubsistence Area (Unit 20B and portions of Units 25C, 20D) and in that portion of Unit 20F is not in compliance with subsistence law and regulations, AS 16.05.258(a), AS 16.05.258(c), 5 AAC 99.016(b), and 5 AAC 99.025(a), (4).

Currently the Board of Game (BOG) has adopted a positive finding of C&T for Fortymile caribou (FMC) in Units 12, 20D, 20E, and 25C. There is no finding of C&T for FMC in Unit 20B nor 20F. (5 AAC 99.025(4))

1. The BOG has adopted the winter subsistence opportunity (1 December- 31 March) (Fortymile management plan) for the FMC and has eliminated nonresident participation and has a 1 caribou bag limit. Within their statutory authority AS 16.05.258(3)A, B Tier I. With the action the BOG has taken with the FMC, 5 AAC 92.071(a) applies; “If the board has directed that a hunt be administered under a Tier I subsistence permit, permits will be distributed in the same manner as other registration permits, under the same conditions applicable under 5 AAC 92.050 and 5 AAC 92.052”. “Tier I” means the circumstance where the board has identified a game population that is customarily and traditionally used for subsistence and where it is anticipated that a reasonable opportunity can be provided to all residents who desire to engage in that subsistence use; (5 AAC 92.990(78)). This means the department issues a “Tier I subsistence registration permit” (5 AAC 92.071) via the department’s discretionary authority found in 5 AAC 92.050 and 5 AAC 92.052. Note: 5 AAC 92.050 and 5 AAC 92.052 are also use for the department to issue “general season” registration permits. The department should note on the permit, what type of permit they are issuing to alleviate any confusion on how the BOG has determined the hunt be administered.
2. The BOG has also enacted a positive finding for C&T in all of Units 20D and 25C for FMC. Yet the vast majority of Unit 20D lays within the Fairbanks Nonsubsistence Area and approximately half of Unit 25C lays with in the Fairbanks Nonsubsistence Area. The BOG has no finding of C&T for FMC in Unit 20F.
3. It would appear the winter harvest opportunity for FMC is directed by the BOG as a Tier I subsistence hunt. AS 16.05.258 states the BOG cannot have a positive finding of C&T within nonsubsistence areas AS 16.05.258(c) states: The boards may not permit subsistence hunting or fishing in a nonsubsistence area. 5 AAC 99.025 also states: (a) The Board of Game has examined whether the game populations in the units set out in

the following table, excluding those units or portions of those units within nonsubsistence areas established by the Joint Board of Fisheries and Game (5 AAC 99.015), are customarily and traditionally taken or used for subsistence and make the following finding. The BOG has also determined what actives are allowed in a nonsubsistence area. Found in 5 AAC 99.016; (a) A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area of community. In a nonsubsistence area, the following activities will be permitted if so provided by the appropriate board by regulation:

- (1) general hunting, including drawing and registration permit hunts;
- (2) personal use, sport, guided sport, commercial fishing, and other fishing authorized by permit.
- (b) Subsistence hunting and subsistence fishing regulations will not be adopted by a board for a nonsubsistence area and the subsistence priority does not apply in a nonsubsistence area.

With the actions the BOG has enacted, the law and regulations do not allow a Tier I subsistence harvest of FMC in Unit 20B or in that portion of Units 20D or 25C that is within the Fairbanks Nonsubsistence Area (5 AAC 99.015(4)). Nor does the BOG have the authority to enact a positive finding of C&T with in a nonsubsistence area.

#### **WHAT SOLUTION DO YOU PREFER?**

1. Not allow the harvest of FMC in the winter Tier I subsistence hunt within the Fairbanks Nonsubsistence Area, nor the area of Unit 20F that does not have a positive C&T finding for FMC.
2. When the BOG has directed a Tier I subsistence hunt. The department should clarify on the registration permit, that the permit being issued is a Tier I subsistence permit. Also the department should advertise the Tier I hunt in the Tier I and Tier II subsistence supplement.
3. Amend 5 AAC 99.025(4) Units 12, 20D, 20E and 25C. (Fortymile caribou) EXCEPT FOR THOSE PROTIONS THAT ARE WITH IN THE FAIRBANKS NONSUBSISTENCE AREA.
4. Not allow a subsistence harvest in that portion of Unit 20F for FMC. The BOG has no C&T findings for FMC in Unit 20F.

#### **STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

**a) for a conservation purpose or reason:** Is not for a conservation concern.

**b) to correct an error in regulation:** I am trying to point out that the actions of the BOG through the laws and regulations that dictated their actions. That the winter subsistence harvest of FMC within the Fairbanks Nonsubsistence Area and in that portion of Unit 20F are not in compliance with the current laws and regulations.

**c) to correct an effect of a regulation that was unforeseen when the regulation was adopted:**

1. Is the clarification of what type of opportunity the FMC winter hunt is.
2. What type of registration permit is being issued. Tier I subsistence or general season registration permit?
3. Allowing a Tier I subsistence opportunity in a portion of Unit 20F, that does not have a positive finding of C&T for FMC.
4. Amend the language in 5 AAC 99.025(4) to exclude the positive finding of C&T within the Fairbanks Nonsubsistence Area.
5. Allowing a Tier I subsistence opportunity with in a nonsubsistence area.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Regulations will not be in compliance with statute.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** No, just regulatory.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.**

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.** Subsistence user.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.**