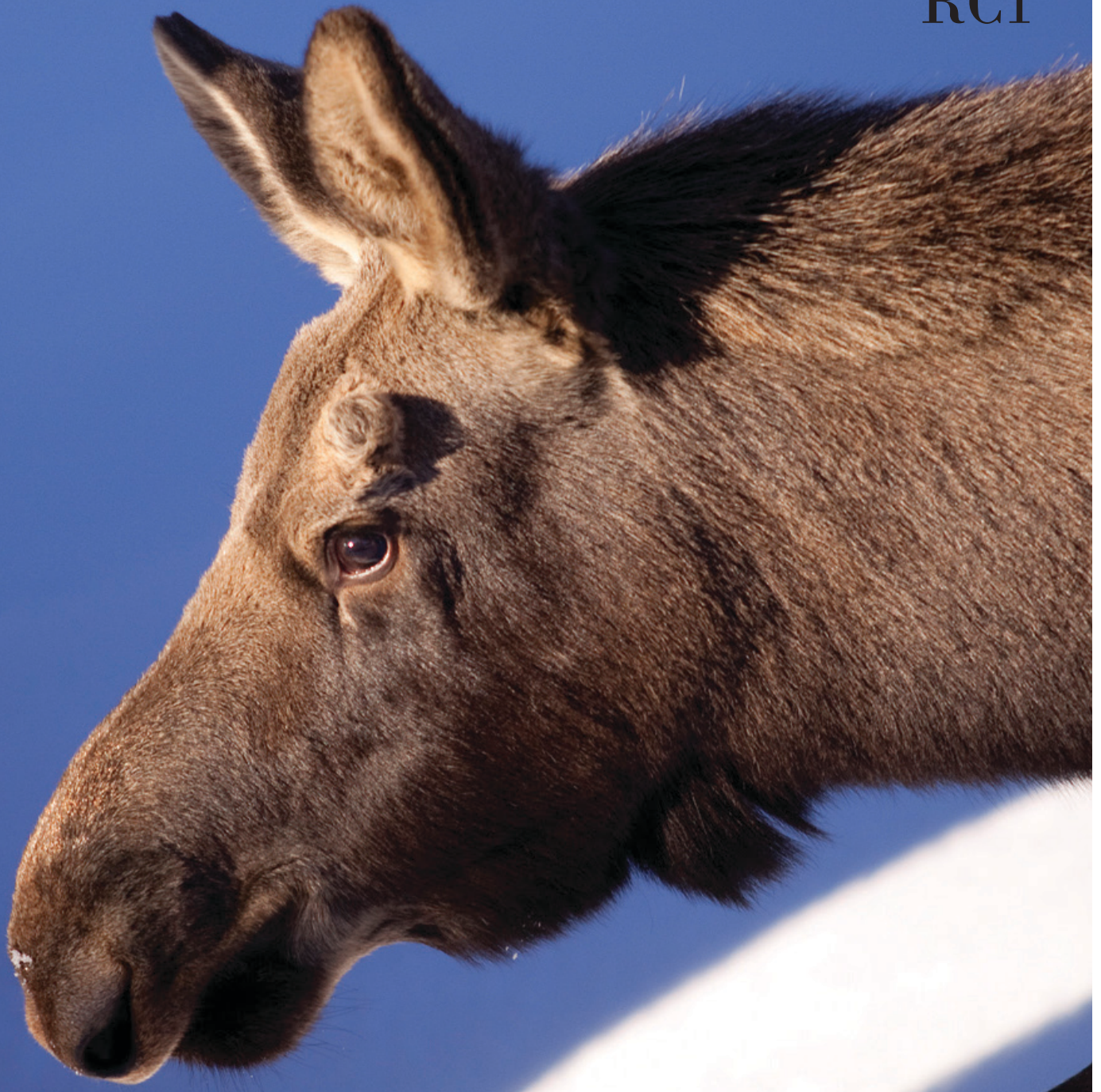


ALASKA BOARD OF GAME

Meeting Workbook

RC1



Southcentral Region Meeting

March 17-22, 2023

Soldotna, AK

ALASKA BOARD OF GAME
Southcentral Region Meeting
Soldotna, AK | March 17 - 22, 2023

Table of Contents

	Pg. No.
Agenda.....	1
Oral Reports.....	2
Meeting Notice	3-7
Roadmap.....	8-15
Roster.....	16
2022/2023 Meeting Schedule	17
State Subsistence Materials	18-40
Department of Law Comments on Proposals	41-50
Alaska Wildlife Troopers' Comments on Proposals	51-53
Additional Proposals.....	54-67
 Proposal 204: Close resident and nonresident hunting for Dall sheep in Unit 19C, for five years.	
Proposal 205: Change the Unit 19C moose hunt for nonresidents from a registration permit to a drawing permit, with up to 20 permits available.	
Proposal 206: Reauthorize the Unit 21E Intensive Management Plan.	
Proposal 207: Establish a Tier II hunt for Nelchina caribou in Unit 13.	
Proposal 208: Modify the nonresident drawing permit allocation for Dall sheep in Unit 14C.	
Proposal 209: Reallocate four permits each, from elk drawing permit hunts DE715, DE717, DE721, and DE723 to resident registration hunts, with 8 permits available for pick up in Ouzinkie and 8 in Port Lions.	
Proposal 210: Close the Unit 19C moose hunt for nonresidents, and beginning in 2024, allow nonresidents to hunt moose by drawing permit only.	
Proposal 211: Shorten the resident moose hunting season in Unit 19C, close the moose hunting season for nonresidents, and beginning in 2024, allow nonresidents to hunt moose by drawing permit only.	
Board Findings and Policies	68-97
<i>(see list on the following page)</i>	

ALASKA BOARD OF GAME
Southcentral Region Meeting
Soldotna, AK | March 17 - 22, 2023

Table of Contents

The following Board of Game Findings & Policies are related to the topics for the Southcentral Region meeting. All Board of Game findings are available online at:

www.adfg.alaska.gov/index.cfm?adfg=gameboard.findings

Joint Board Petition Policy – 5 AAC 96.625	69
2013-34-JB - Joint Board Criteria for Development of Board-Generated Proposals	70
2012-192-BOG — Subunit 15C Moose - Intensive Management Supplemental Findings	71
2023-228-BOG – Board of Game Wolf Management Policy	73
2023-227-BOG – Board of Game Bear Conservation, Harvest and Management Policy	76
2019-223-BOG – Board Direction to ADF&G for Allocation of Nelchina Caribou Permits ...	82
2017-222-BOG – Alaska Board of Game Nonresident Hunter Allocation Policy	84
2016-213-BOG – Restrictions to Aircraft for Sheep Hunting	91
2015-211-BOG – Board recommendation to ADF&G provided during the 2015 Southcentral Region meeting.	93
2013-202-BOG — Board Direction to the Department of Fish and Game Provided during the Southcentral Region Meeting	94
2007-172-BOG – Annual Reauthorization of Antlerless Moose	95
2004-149-BOG – Resolution Encouraging Public Agencies Signage for Trapline on Public Lands	97

**ALASKA BOARD OF GAME
Southcentral Region Meeting
Soldotna Sports Center
Soldotna, Alaska
March 17 - 22, 2023**

TENTATIVE AGENDA

Note: This Tentative Agenda is subject to change throughout the course of the meeting. It is provided to give a general idea of the board's anticipated schedule. The board will attempt to hold to this schedule; however, the board is not constrained by this Tentative Agenda.

Friday, March 17, 8:30 a.m.

OPENING BUSINESS

Call to Order / Purpose of Meeting
Introductions of Board Members and Staff
Board Member Ethics Disclosures

AGENCY AND OTHER REPORTS (See List of Oral Reports)

PUBLIC & ADVISORY COMMITTEE TESTIMONY upon conclusion staff reports

THE DEADLINE TO SIGN UP TO TESTIFY is 10:00 a.m. Saturday, March 18. Public testimony will continue until persons who have signed up before the deadline, and who are present when called by the Chair to testify, are heard.

Saturday, March 18, 8:30 a.m.

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY continued

BOARD DELIBERATIONS upon conclusion of public testimony

Sunday, March 19, 9:00 a.m.

BOARD DELIBERATIONS upon conclusion of public testimony

Monday, March 20, 8:30 a.m.

BOARD DELIBERATIONS continued

Tuesday, March 21, 8:30 a.m.

BOARD DELIBERATIONS conclude

MISCELLANEOUS BUSINESS, including petitions, findings and policies, letters, and other business

ADJOURN

Agenda Notes

- A. Meeting materials, including a list of staff reports, a roadmap, and schedule updates, will be available prior to the meeting at: www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo or by contacting ADF&G Boards Support Section in Juneau at 465-4110.
- B. A live audio stream for the meeting is intended to be available at: www.boardofgame.adfg.alaska.gov
- C. The State of Alaska Department of Fish and Game complies with Title II of the Americans with Disabilities Act of 1990 (ADA). Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this hearing and public meeting should contact 465-6098 no later than two weeks prior to start of the meeting to make any necessary arrangements.



Alaska Board of Game

P.O. Box 115526
Juneau, AK 99811-5526
(907) 465-4110
www.boardofgame.adfg.alaska.gov

**ALASKA BOARD OF GAME
Southcentral Region Meeting
March 17-22, 2023
Soldotna, Alaska**

Tentative List of Oral Reports

Friday, March 17, 2023

1. Agency Updates/Reports
2. Southcentral Region Overview for the Division of Wildlife Conservation – Cynthia Wardlow, ADF&G
3. Kenai Peninsula Moose Research and Post-Fire Monitoring – Dan Thompson and Thomas McDonough, ADF&G
4. State Guide Use Concession Program Update – Aaron Bloomquist, Big Game Commercial Services Board

Reports to be Provided during Deliberations in addition to Proposal Presentations

Cordova Area – Unit 6

- Management Area Overview (Unit 6) – Charlotte Westing, ADF&G

Kodiak Area – Unit 8

- Management Area Overview – Nate Svoboda, ADF&G

Anchorage – Unit 14C

- Management Area Overview – Dave Battle, ADF&G

Kenai Peninsula Area – Units 7 & 15

- Management Area Overview– Nick Fowler, ADF&G

Other Regions

- Mulchatna Caribou Herd Intensive Management Update – Gino DelFrate and Todd Rinaldi, ADF&G
- Nelchina Caribou Herd and the Tier II Process– Caroline Brown, ADF&G

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF GAME

The Alaska Board of Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with the use and taking of game. Regulations subject to board action are in 5 AAC 84, 85, 92, 98, and 99 for the Southeast and Southcentral Regions. The board will also address additional topics for other Game Management Units and statewide provisions including statewide reauthorization of antlerless moose hunts and brown bear tag fee exemptions as described below:

The following subject matter areas to be addressed for the Southeast and Southcentral Region, Game Management Units 1, 2, 3, 4, 5, 6, 7, 8, 14C, and 15 are:

- A. TRAPPING SEASONS AND BAG LIMITS for furbearers, including: Marten, beaver, coyote, otter, wolverine, wolf, and lynx.
- B. HUNTING SEASONS AND BAG LIMITS for all species, including: Moose, caribou, deer, black bear, brown bear, elk, goat, Dall sheep, wolf, small game including waterfowl, migratory game birds, ptarmigan, and grouse. In addition, the potential Tier I or Tier II subsistence hunting for each population; and the reauthorization of antlerless moose hunts.
- C. LICENSES, HARVEST TICKETS, HARVEST REPORTS, TAGS, FEES, AND PERMITS, including: Discretionary and required permit hunting and trapping conditions and procedures including limits on registration permits; permits for hunting black bear with the use of bait or scent lures; and special provisions for Dall sheep, mountain goat, moose, and brown bear drawing permit hunts.
- D. METHODS AND MEANS FOR TAKING BIG GAME, GAME, FUR ANIMALS, AND FURBEARERS, including: Lawful methods of taking big game and game including restrictions for taking big game from boats, with the use of motorized vehicles, and with the use of dogs to retrieve dead or wounded game; lawful methods of taking furbearers and fur animals including requirements for trap identification, signage, breakaway mechanisms, minimum size for jaw spread; and restrictions for trapping near trails, trailheads, roads, and dwellings.
- E. POSSESSION, TRANSPORTATION AND THE USE OF GAME, including: Salvage requirements for deer; sealing requirements for moose, bear, and wolf; and evidence of sex and identity including moose antlers in Units 1 and 3.
- F. GENERAL PROVISIONS, including: Harvest guideline levels for wolves, and requirements for hunter safety education.
- G. RESTRICTED AREAS, including: Areas closed to hunting and trapping including Mitchell Bay, Petersburg Creek Drainage on Kupreanof Island, and the Petersburg Road System; proposed areas closed for trapping in the Chugach State Park, Glacier Creek drainage, near roads, trails, beaches, structures, and campgrounds; controlled use areas including the Lower Kenai Controlled Use Area; management areas including Douglas Island, Anchorage, Chugach State Park, Eagle River,

and Joint Base Elmendorf-Richardson Management Areas; and state game refuges including the Mendenhall Wetlands State Game Refuge.

- H. INTENSIVE MANAGEMENT AND PREDATOR CONTROL IMPLEMENTATION PLANS including: Prey populations and populations having a positive finding as identified big game prey populations, and the Unit 15C Intensive Management Plan.
- I. ADDITIONAL TOPICS: The board will address the following topics, as a result from action during the November 17, 2022 board meeting, or in the case of antlerless moose hunts and brown bear tag fees, must be authorized annually. For the Southeast Region meeting, January 20 – 24, 2023: Seasons and bag limits for wolf in Unit 2 (Proposal 202). For the Southcentral Region meeting, March 17-22, 2023: Annual reauthorization of antlerless moose hunts and brown bear tag fee exemptions; seasons and bag limits for sheep in Units 19C (Proposal 204) and 14C (Proposal 208); seasons and bag limits for moose including Units 14C and 19C (Proposals 200, 203, 205, 209 and 210); reauthorization of the Unit 21E Intensive Management Plan (Proposal 206); and establishing a Tier II hunt in regulation for the Nelchina caribou herd in Unit 13 (Proposal 207).

The board may make changes to the hunting and trapping regulations as may be required to ensure the subsistence priority in AS 16.05.258, including reexamining customary and traditional use findings and determinations for amounts reasonably necessary for subsistence use.

The board will also consider non-regulatory items during this meeting such as findings, letters, and delegations. Miscellaneous actions occur typically at the end of the meeting under miscellaneous business, but action may occur earlier in the meeting.

The proposed regulation changes are available on the Board of Game meeting websites at www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo or by contacting the ADF&G Boards Support Section Office at (907) 465-4110. Additional meeting information such as the roadmap, agency reports, and advisory committee and public comments will be added to the website as they become available.

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments by the announced deadlines listed below, limited to no more than 100 single-sided or 50 double-sided pages.

New this cycle, Boards Support will utilize an online form at www.boardofgame.adfg.alaska.gov, that will allow comments to be uploaded as a file or entered manually. With the new online form in place, **Boards Support will no longer accept comments via email.** Written comments are encouraged to be submitted online. Additionally, comments will be accepted if sent by mail to ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526 or by fax to (907) 465-6094

Comments must include a first and last name, community of residence, and the proposal number/s for which the comments pertain. Comments without this information will not be part of

the board meeting workbook, indexed, or cross referenced with proposals, but they will be compiled and posted on the meeting information website. Written comments that are submitted are public records and are subject to public inspection.

The deadlines for receiving comments are January 6, 2023 for the Southeast Region meeting, and March 3, 2023 for the Southcentral Region meeting. Once the meetings begin, comments will be accepted online as record copies, by hand delivery at the meeting, or via fax to (907) 465-6094. Comments submitted during the meetings are limited to ten single-sided or five double-sided pages in length from any one individual or group.

As a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier. Additionally, groups of people submitting numerous, form-like comments containing similar language during the meeting is not advisable, and Boards staff will be unable to process and distribute the comments to the board during the meeting. These types of comments will be grouped together or summarized for the board in a single submission.

The Board of Game shall consider all factual, substantive, and relevant comments in accordance with the Administrative Procedure Act, Alaska Statute 44.62.210. Comments having disparaging statements or personal attacks or information, will be withheld or redacted.

The public hearing portion of the meetings is scheduled for the beginning of each meeting following staff reports and will continue until everyone who has signed up and is present when called has been given the opportunity to be heard. However, state advisory committee representatives and federal regional advisory council representatives may elect to provide testimony at a later portion of the meeting. Additional public hearings may be held throughout the meeting just before consideration and adoption of proposed changes in the regulations. The board will take oral testimony only from those who register before the cut-off time which will be announced by the board chair prior to the meeting. The length of oral testimony may be limited to three to five minutes or less for members of the public and 10 to 15 minutes or less for fish and game advisory committee and federal regional advisory council representatives. Everyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments if they wish to have their views considered by the board.

Tentative Board of Game Meeting Dates & Locations

Southeast Region Meeting

January 20-24, 2023

The Landing Hotel

3434 Tongass Avenue

Ketchikan, AK 99901

Southcentral Region Meeting

March 17-22, 2023

The Soldotna Sports Center

538 Arena Drive

Soldotna, AK 99669

Any changes to meeting location, dates or times, or rescheduling of topics or subject matter will be announced by news release and posted on the board's website. Please watch for these announcements or call (907) 465-4110. Please carefully review the **PROPOSAL INDEX and the additional proposal listing on the above-mentioned website** for all specific proposal issues to be addressed by the board.

Anyone interested in or affected by subsistence and general hunting or trapping regulations is hereby informed that, by publishing this legal notice, the Board of Game may consider any or all of the subject areas covered by this notice. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR STAFF.** Pursuant to AS 44.62.200, the board may review the full range of activities appropriate to any of the subjects listed in this notice. After the public hearing, the Board of Game may adopt these or other provisions dealing with the same subject without further notice, or amend, reject, supplement, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU ARE ENCOURAGED TO COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

If you are a person with a disability who may need special accommodations in order to participate in this process, please contact ADF&G, Boards Support Section at (907) 465-4110 no later than two weeks prior to the beginning of the meeting to ensure that any necessary accommodations can be provided.

Statutory Authority: AS 16.05, AS 16.30.

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.255; AS 16.05.256; AS 16.05.258; AS 16.05.270; AS 16.05.315; AS 16.05.330; AS 16.05.340; AS 16.05.346; AS 16.05.405; AS 16.05.407; AS 16.05.780; AS 16.05.783; and AS 16.30.010 – .030.

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: December 15, 2022

/ S /

Kristy Tibbles, Executive Director
Alaska Board of Game
465-6098

ALASKA BOARD OF GAME
Southcentral Region Meeting
Soldotna Sports Center | Soldotna, Alaska
March 17 - 22, 2023

Tentative Roadmap

Regionwide & Multiple Units

- _____ **Proposal 55:** Reduce resident cow permits and nonresident bull permits for Southcentral Region units.
- _____ **Proposal 56:** Prohibit taking of big game from boats in Units 6, 7, and 15.
- _____ **Proposal 57:** Allow the use of dogs to track and retrieve dead or wounded fur animals in Units 6 - 8, 14C, and 15.
- _____ **Proposal 58:** Require hunter orientation for hunting goat in Southcentral Region units.
- _____ **Proposal 200:** Create a moose hunt in the Southcentral Region for seniors over the age 65 with ADF&G Permanent ID.

Cordova Area – Unit 6

- _____ **Proposal 59:** Change the RG231 to an archery only hunt for goat in Unit 6 for certified bowhunters.
- _____ **Proposal 60:** Create an archery only deer hunt in Unit 6 for resident and nonresident certified bowhunters only.
- _____ **Proposal 61:** Lower the resident and nonresident general season bag limit for deer in Unit 6.
- _____ **Proposal 62:** Re-establish an antlerless moose season in Unit 6C.
- _____ **Proposal 63:** Lengthen the brown bear season in Unit 6D, excluding Montague Island.
- _____ **Proposal 64:** Change the minimum jaw spread for trapping land otter in Unit 6.

Kodiak Area Proposals – Unit 8

- _____ **Proposal 65:** Establish a fall, registration goat hunt for residents and nonresidents in Unit 8, that portion of the Aliulik Peninsula.
- _____ **Proposal 66:** Create an archery only, resident goat hunt within the Unit 8, RG480 hunt area.
- _____ **Proposal 67:** Decrease the number of tags for the DG478 and DG479 goat hunts in Unit 8, to guarantee allocation of the weapons restricted, late season registration hunt.
- _____ **Proposal 68:** Modify the Unit 8, caribou hunting season from a general season harvest ticket to a registration hunt.
- _____ **Proposal 69:** Exclude Kodiak Island from the hunt area for elk in Unit 8 Remainder.

- _____ **Proposal 70:** Modify the Unit 8, Raspberry Island hunting season and bag limit by changing the antlerless elk drawing hunt to an antlerless registration hunt.
- _____ **Proposal 71:** Establish a drawing permit hunt for elk, open to take by bow and arrow only in Unit 8, Southwest Afognak.
- _____ **Proposal 72:** Establish a drawing permit hunt for elk, open to take by bow and arrow only in Unit 8, Raspberry Island.
- _____ **Proposal 209:** Reallocate four permits each, from elk drawing permit hunts DE715, DE717, DE721, and DE723 to resident registration hunts, with 8 permits available for pick up in Ouzinkie and 8 in Port Lions.
- _____ **Proposal 73:** Reduce the bag limit for deer in Unit 8, Remainder.
- _____ **Proposal 74:** Require that meat must be left on the bone when hunting deer in Unit 8.
- _____ **Proposal 75:** Count brown bear wounded by hunters in Unit 8 against the bag limit of one bear every four calendar years.
- _____ **Proposal 76:** Lengthen the brown bear registration hunt seasons for RB230 and RB260 in Unit 8.
- _____ **Proposal 77:** Eliminate brown bear permits the following season, when a female bear is taken in Unit 8.
- _____ **Proposal 78:** Require all hunters to apply for Unit 8 brown bear drawing permits.
- _____ **Proposal 79:** Transfer under-subscribed nonresident brown bear permits for Unit 8 to the resident allocation.
- _____ **Proposal 80:** Adjust the allocation for Unit 8 brown bear permit hunts, DB101 - DB193.
- _____ **Proposal 81:** Require all snares set on the Kodiak road system to include breakaway mechanisms.

Anchorage Area – Unit 14C

- _____ **Proposal 82:** Expand the Unit 14C northeast sheep drawing hunt areas to include the East Fork Eklutna hunt area.
- _____ **Proposal 83:** Reopen the late rifle hunt for sheep in Unit 14C and redistribute the existing permits to not increase the total take of rams.
- _____ **Proposal 84:** Create a new archery only, drawing hunt for sheep in Unit 14C, that portion within the Eklutna River drainage area.
- _____ **Proposal 208:** Modify the nonresident drawing permit allocation for Dall sheep in Unit 14C.
- _____ **Proposal 85:** Create an archery only drawing hunt for goat in Unit 14C, within the drainage of the West Fork of Eklutna River.
- _____ **Proposal 86:** Reauthorize the antlerless moose season in the Twentymile/Portage/Placer hunt area in Units 7 and 14C.
- _____ **Proposal 87:** Establish a general moose season open for take by bow and arrow only, in Unit 14C Remainder.

- _____ **Proposal 88:** Change the registration moose hunt, RM445, in the Chugach State Park Management Area in Unit 14C to an archery only hunt.
- _____ **Proposal 203:** Establish a moose drawing hunt within Unit 14C in Kincaid Park for hunters that meet the 70% disability standard with mobility impairments
- _____ **Proposal 89:** Reauthorize the antlerless moose seasons in Unit 14C.
- _____ **Proposal 90:** Establish a primitive weapons hunt or any weapons hunt for black bear in the West Fork of Eagle River Drainage in Unit 14C.
- _____ **Proposal 91:** Add bow and arrow to the legal means of take for the DL455 black bear hunt in Unit 14C, Joint Base Elmendorf-Richardson.
- _____ **Proposal 92:** Add bow and arrow to the legal means of take for the DL457 black bear hunt in Unit 14C, McHugh Creek area.
- _____ **Proposal 93:** Allow certified bowhunters to participate in DL455 and DL457 black bear hunts in Unit 14C, Joint Base Elmendorf-Richardson and McHugh Creek areas.
- _____ **Proposal 94:** Open a black bear archery drawing hunt in the McHugh Creek hunt area in the Unit 14C, Anchorage Management Area.
- _____ **Proposal 95:** Open a resident only, limited registration black bear archery hunt in McHugh Creek hunt area in the Unit 14C Anchorage Management Area.
- _____ **Proposal 96:** Establish a black bear archery hunt in Unit 14C, the Joint Base Elmendorf-Richardson management area for hunters who also draw an archery moose tag.
- _____ **Proposal 97:** Establish a primitive weapons hunt or any weapons hunt for brown bear in the West Fork of Eagle River Drainage in Unit 14C.
- _____ **Proposal 98:** Open a hunt for brown bear within the Rainbow Creek drainage in Unit 14C.
- _____ **Proposal 99:** Open an archery drawing hunt for brown bear in Unit 14C, the McHugh Creek area for residents and nonresidents.
- _____ **Proposal 100:** Establish an archery only drawing hunt for brown bear in Unit 14C, Joint Base Elmendorf-Richardson area, with a bag limit of one bear every four regulatory years.
- _____ **Proposal 101:** Extend the general season for brown bear, open for take by bow and arrow only, in Unit 14C Remainder.
- _____ **Proposal 102:** Lengthen the season for brown bear in Unit 14C Remainder.
- _____ **Proposal 103:** Establish a bear bait hunt in Unit 14C, the McHugh Creek drainage area for black and brown bear.
- _____ **Proposal 104:** Close Chugach State Park and Glacier Creek drainage in Unit 14C to lynx hunting and trapping.

Kenai Peninsula Area – Units 7 & 15

- _____ **Proposal 105:** Limit hunters to one big game registration permit at a time in Units 7 and 15.
- _____ **Proposal 106:** Modify the restrictions for using ATVs to hunt moose in Unit 15C.

- _____ **Proposal 107:** Allow an exemption for disabled Veterans to hunt in the Lower Kenai Controlled Use Area in Unit 15C using motorized vehicles.
- _____ **Proposal 108:** Make all sheep hunts in Units 7 and 15 registration hunts.
- _____ **Proposal 109:** Close sheep hunting on the Kenai Peninsula, Unit 15.
- _____ **Proposal 110:** Create an archery only registration hunt and youth hunt for sheep in Unit 7 Remainder.
- _____ **Proposal 111:** Create an archery only, registration sheep hunt for residents and nonresidents in Units 7 and 15 Remainder.
- _____ **Proposal 112:** Establish a general sheep hunting season, open for take by bow and arrow only in Unit 15 Remainder.
- _____ **Proposal 113:** Establish a general sheep season open for take by bow and arrow only, in Unit 7 Remainder.
- _____ **Proposal 114:** Change the RG331 goat hunt in Unit 7 to an archery only hunt.
- _____ **Proposal 115:** Divide all Unit 15C goat drawing hunts into two seasons.
- _____ **Proposal 116:** Change the regulation to clarify goat hunters in Unit 15C are restricted from taking goat on the Kenai Peninsula for five years if a nanny is harvested.
- _____ **Proposal 117:** Implement the penalty for taking nannies in the RG364, 365 and 374 goat hunts in Unit 15C.
- _____ **Proposal 118:** Change the general season, resident bag limit for moose in Unit 15 to include bulls with fork antlers.
- _____ **Proposal 119:** Create an archery only moose hunt in Unit 7 Remainder for both residents and nonresidents.
- _____ **Proposal 120:** Open an archery, fall moose hunt in Unit 15.
- _____ **Proposal 121:** Establish an early archery only moose hunt in Unit 15C to align with Units 15A and 15B.
- _____ **Proposal 122:** Establish an early, archery only registration moose hunt in Unit 15C to align with Units 15A and 15B.
- _____ **Proposal 123:** Establish an archery only, fall moose hunt in Unit 15C.
- _____ **Proposal 124:** Establish a general moose season open for take by bow and arrow only, in Unit 15C Remainder.
- _____ **Proposal 125:** Establish a fall archery hunt for moose in Unit 15C to align with Units 15A and 15B.
- _____ **Proposal 126:** Establish an early archery moose hunt in Unit 15C.
- _____ **Proposal 127:** Extend the TM549 moose hunting season in Unit 15C, Southwest of Point Pogibshi.
- _____ **Proposal 128:** Reauthorize the antlerless moose seasons in Unit 15C.
- _____ **Proposal 129:** Expand the hunt area boundaries for the antlerless moose hunt in Unit 15C.
- _____ **Proposal 130:** Renew and update the Unit 15C Intensive Management Plan.

- _____ **Proposal 131:** Reauthorize the antlerless moose season on Kalgin Island in Unit 15B.
- _____ **Proposal 132:** Remove the antler sealing requirement for moose harvested on Kalgin Island and from the TM549 Tier II subsistence area.
- _____ **Proposal 133:** Prohibit the taking of black bear from boats in Unit 15C.
- _____ **Proposal 134:** Extend the brown bear season in Units 7 and 15.
- _____ **Proposal 135:** Extend the brown bear season in Unit 15 from May 31 to June 30, to align with the black bear baiting season.
- _____ **Proposal 136:** Extend the season for the brown bear registration hunts in Units 7 and 15 to June 15.
- _____ **Proposal 137:** Extend the brown bear registration hunt (RB300) in Unit 7 to June 15.
- _____ **Proposal 138:** Extend the brown bear season in Unit 15 to June 15.
- _____ **Proposal 139:** Extend the brown bear season for the RB300 hunt in Units 7 and 15 to June 15.
- _____ **Proposal 140:** Extend the season for brown bear under RB300 open for take by bow and arrow only, in Units 7 and 15.
- _____ **Proposal 141:** Lengthen the bear baiting season in Unit 7.
- _____ **Proposal 142:** Lengthen the brown bear baiting season in Unit 15.
- _____ **Proposal 143:** Restrict bear bait stations within a half mile of certain structures in Unit 15.
- _____ **Proposal 144:** Define "developed recreation facility" and "permanent dwelling" for bear baiting in Units 15 and 7.
- _____ **Proposal 145:** Close areas to hunting and trapping within 1/4 mile of parts of the Sterling Highway in Units 7 and 15.
- _____ **Proposal 146:** Establish trapping setbacks on specific trails within the Kachemak Bay State Park in Unit 15C.
- _____ **Proposal 147:** Establish trapping setbacks along certain snow machine and Nordic ski trails in Unit 15C.
- _____ **Proposal 148:** Require 100-yard trapping setbacks from known multi-use trails in Unit 7.
- _____ **Proposal 149:** Establish trapping setbacks along the perimeter of campgrounds in Unit 7.
- _____ **Proposal 150:** Establish trapping setbacks along certain roads and pullouts in Unit 7.
- _____ **Proposal 151:** Establish trapping setbacks along highway pullouts, backcountry access points, and winter trails in Unit 7.
- _____ **Proposal 152:** Establish trapping setbacks along trails and trailheads in Unit 7.
- _____ **Proposal 153:** Establish trapping setbacks along Kenai Lake beaches in Unit 7.
- _____ **Proposal 154:** Require signs be posted at all active trapping access points in Unit 7.
- _____ **Proposal 155:** Close Unit 15C to beaver trapping.
- _____ **Proposal 156:** Close beaver trapping in the Anchor River and Deep Creek Drainages in Unit 15C for six years.

- _____ **Proposal 157:** Shorten the beaver trapping season in Unit 7.
- _____ **Proposal 158:** Shorten the coyote trapping season in Units 7 and 15.
- _____ **Proposal 159:** Lengthen the wolverine hunting season in Units 7 and 15.
- _____ **Proposal 160:** Limit beaver trapping to one set per lodge for Units 7 and 15, and require visual markers.
- _____ **Proposal 161:** Direct ADF&G to conduct a feasibility study for transporting Sitka Blacktail deer to Unit 15C, south side of Kachemak Bay.
- _____ **Proposal 162:** Extend the ptarmigan season in a portion of Unit 15C to March 31.
- _____ **Proposal 163:** Rescind the bag limit restrictions for sea duck hunting in Unit 15C.
- _____ **Proposal 164:** Reduce the bag limit for goldeneye in Units 7 and 15.
- _____ **Proposal 165:** Reduce the bag limit for goldeneye in Unit 15C.
- _____ **Proposal 166:** Reduce the bag limit for bufflehead in Units 7 and 15.
- _____ **Proposal 167:** Reduce the bag limit for bufflehead in Unit 15C.
- _____ **Proposal 168:** Reduce the bag limit for harlequin duck for Units 7 and 15.
- _____ **Proposal 169:** Reduce the bag limit for harlequin in Unit 15C.
- _____ **Proposal 170:** Reduce the bag limit for long-tailed duck in Units 7 and 15.
- _____ **Proposal 171:** Direct ADF&G to implement a method for accurate reporting of sea duck harvest for Units 6, 7 and 15.
- _____ **Proposal 172:** Require mandatory harvest reporting for sea ducks in Kachemack Bay in Unit 15C.

Proposals for Other Regions excluding Reauthorization Proposals

Central and Southwest Region:

- _____ **Proposal 207:** Establish a Tier II hunt for Nelchina caribou in Unit 13.

Interior and Eastern Arctic Region

- _____ **Proposal 204:** Close resident and nonresident hunting for Dall sheep in Unit 19C, for five years.
- _____ **Proposal 205:** Change the Unit 19C moose hunt for nonresidents from a registration permit to a drawing permit, with up to 20 permits available.
- _____ **Proposal 210:** Close the Unit 19C moose hunt for nonresidents, and beginning in 2024, allow nonresidents to hunt moose by drawing permit only.
- _____ **Proposal 211:** Shorten the resident moose hunting season in Unit 19C, close the moose hunting season for nonresidents, and beginning in 2024, allow nonresidents to hunt moose by drawing permit only.
- _____ **Proposal 206:** Reauthorize the Unit 21E Intensive Management Plan.

Antlerless Moose and Brown Bear Tag Fee Reauthorizations for Other Regions

- _____ **Proposal 173:** Reauthorize the antlerless moose seasons in Unit 13A.
- _____ **Proposal 174:** Reauthorize the antlerless moose seasons in Unit 13C.
- _____ **Proposal 175:** Reauthorize the antlerless moose seasons in Unit 13E.
- _____ **Proposal 176:** Reauthorize the antlerless moose draw permits in Units 14A and 14B.
- _____ **Proposal 177:** Reauthorize the antlerless moose season in Unit 17A.
- _____ **Proposal 178:** Reauthorize the resident antlerless moose season in Unit 18.
- _____ **Proposal 179:** Reauthorize a winter antlerless moose season during February in a portion of Unit 19D.
- _____ **Proposal 180:** Reauthorize the antlerless moose seasons in Unit 20A.
- _____ **Proposal 181:** Reauthorize the antlerless moose seasons in Unit 20B.
- _____ **Proposal 182:** Reauthorize the antlerless moose hunting seasons in Unit 20D.
- _____ **Proposal 183:** Reauthorize the antlerless moose seasons in Unit 20E.
- _____ **Proposal 184:** Reauthorize a winter antlerless moose season during March in a portion of Unit 21D.
- _____ **Proposal 185:** Reauthorize a winter antlerless moose season during part of February and March in Unit 21E.
- _____ **Proposal 186:** Reauthorize resident grizzly/brown bear tag fee exemptions throughout Interior and Northeast Alaska.
- _____ **Proposal 187:** Reauthorize the brown bear tag fee exemptions for the Central/Southwest Region.
- _____ **Proposal 188:** Reauthorize the current resident tag fee exemptions for brown bear in Units 18, 22, 23 and 26A.

Proposals Outside the Board of Game's Authority and Other Proposals

The Board of Game may discuss the following proposals but does not have authority to take regulatory action.

- _____ **Proposal 189:** Lower the costs for nonresident hunters and remove the hunting guide requirement.
- _____ **Proposal 190:** Include trapping license as part of the Alaska Resident Disabled Veteran License Program.
- _____ **Proposal 191:** A transporter shall transport hunters in Prince William Sound every year or Kodiak Island, but not both.
- _____ **Proposal 192:** Transported hunts in Unit 8 shall be from October 25 - November 30 and January 1 to May 15.
- _____ **Proposal 193:** No business entity or individual may operate more than one transporter vessel in Unit 8.

- _____ **Proposal 194:** Any individual that holds a federal exclusive guide use concession area is excluded from having any employed or contracted guide, second degree of kindred relative, or themselves apply for a drawing permit hunt in the area in which they hold the exclusive guide area.
- _____ **Proposal 195:** Any individual cannot hold more than one federal exclusive guide use concession Area for Units 8 or 9.
- _____ **Proposal 196:** Create a new migratory bird hunting zone consisting of the waters of Kachemak Bay and its drainages.
- _____ **Proposal 197:** Divide Unit 15C into two subunits.
- _____ **Proposal 198:** Provide a number of tags to guides to take nonresidents hunting.
- _____ **Proposal 199:** Create a village registration elk hunt by designating eight permits each to be distributed in person in the communities of Ouzinkie and Port Lions.



Alaska Board of Game

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ALASKA BOARD OF GAME

2022/2023 Meeting Cycle

Tentative Meeting Dates

Meeting Dates	Topic	Location	Comment Deadline
January 19, 2023 (1 day)	Work Session	Ketchikan The Landing Hotel	January 13, 2023
January 20 - 24, 2023 (5 days)	Southeast Region Game Management Units 1, 2, 3, 4 & 5	Ketchikan The Landing Hotel	January 6, 2023
March 17 - 22, 2023 (5 days)	Southcentral Region Game Management Units 6, 7, 8, 14C and 15	Soldotna Soldotna Sports Complex	March 3, 2023

Total Meeting Days: 11

Agenda Change Request Deadline: Monday, November 1, 2022

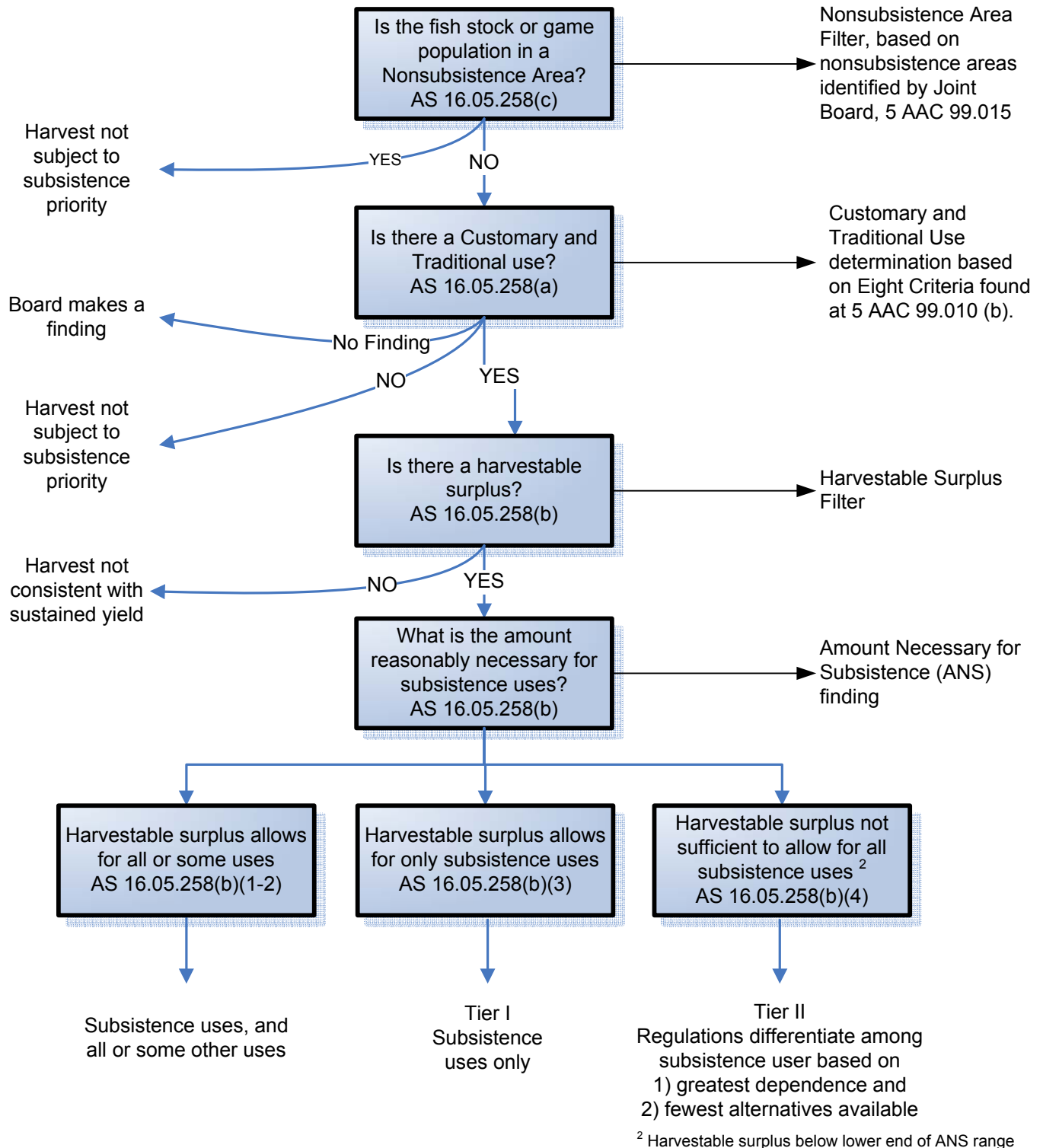
(The Board of Game will meet via teleconference to consider Agenda Change Requests following the November 1 deadline.)

State subsistence materials

1. Alaska Board of Fisheries and Game steps when considering regulations that affect subsistence uses (flowchart)
2. Board of Game subsistence regulatory process in six steps
3. Tier II or Not? Steps to analyze hunting opportunity, Board of Game
4. State subsistence statutes, with notes (AS 16.05.258, 16.05.259, 16.05.940)
5. State subsistence regulations (5 AAC 99)
6. Maps of the five current state nonsubsistence areas (Ketchikan, Juneau, Valdez, Anchorage-Matsu-Kenai Peninsula, Fairbanks)

Alaska Board of Fisheries and Game Steps When Considering Regulations that Affect Subsistence Uses

Alaska Statute 16.05.258 Subsistence Use and Allocation of Fish and Game



² Harvestable surplus below lower end of ANS range

Alaska Department of Fish and Game
**Steps When the Board of Game is Considering Subsistence Uses and
Regulatory Proposals**

Note: these steps are based on those described in the state subsistence statute -- AS 16.05.258

1. Nonsubsistence Area Filter

Is the game population in the proposal in a nonsubsistence area? (*See* descriptions of these areas at 5 AAC 99.015; see also maps of these areas in board notebooks.) If all of the game population is in a nonsubsistence area, there is no need for the board to address subsistence uses: subsistence harvests are not allowed in a nonsubsistence area. To address game populations outside a nonsubsistence area, then the board goes to Step 2.

2. Customary and Traditional Use Determination

The board determines if there is a customary and traditional use of the game population by considering information about the use pattern or pattern(s) and applying the eight criteria found at 5 AAC 99.010. If there has been a previous positive finding, then this step is unnecessary, and the board goes to Step 3. If there has been a previous negative finding, there is no need to address subsistence uses further, unless the proposal is for reconsidering a negative finding. The board may periodically reconsider previous customary and traditional use findings.

3. Harvestable Surplus Filter

The board determines if a portion of the game population be harvested consistent with sustained yield, by considering biological information. If there is no harvestable surplus, then the board authorizes no harvest of the game under the sustained yield mandate, and there is no need to address subsistence uses further. If there is a harvestable surplus, then the board goes to Step 4.

4. Amount Reasonably Necessary for Subsistence

The board determines the amount reasonably necessary for subsistence uses, considering information about the subsistence use pattern(s). If there has been a previous determination on the amount, then the board goes to Step 5. The board may periodically reconsider and update amounts reasonably necessary for subsistence.

5. Subsistence Regulations and Reasonable Opportunity Finding

The board determines and adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, which is defined as an opportunity that allows a normally diligent participant with a reasonable opportunity for success in harvesting the game [AS 16.05.258(f)].

When the harvestable surplus meets or exceeds the amount determined by the board to provide a reasonable opportunity for success in harvesting, then further harvest restrictions are not necessary. Harvest regulations for other uses may be adopted by the board after subsistence regulations are adopted that provide a reasonable opportunity for success in harvesting.

If a proposal is for a reduction in subsistence harvest opportunity, regulations allowing harvest of the game population for other uses must be restricted first before restricting a reasonable opportunity for subsistence uses.

Structure of Regulations

<i>Units and Bag Limits</i>	<i>Resident Season (Subsistence and General Hunt)</i>	<i>Nonresident Open Season</i>
Unit A, Resident Hunters:		
X animal(s) by registration permit only if the harvestable surplus is greater than ANS _(min) , or by Tier II permit only if the harvestable surplus is less than ANS _(min)	Start date – End date (Subsistence Hunt Only)	
Y animal(s) by drawing permit only, provided that the harvestable surplus is greater than ANS _(max)	Start date – End date	
Nonresident Hunters:		
Y animal(s) by drawing permit only, provided that the harvestable surplus is greater than ANS _(max)		Start date – End date

Rationale:

This regulatory structure would enable the department to issue the proper type and number of permits for both subsistence and non-subsistence hunting based on the estimated harvestable surplus from year to year. The total annual quota for any/all permits issued will be set each year by the department.

ANS_(max) is not set as the upper limit for subsistence take because total subsistence take should be allowed to exceed ANS_(max) if other hunters do not take these animals. Hence there is no “up to...” language in the regulation. Similarly, there is no upper limit on the number of drawing permits because we cannot predict what the proper total would be. The number of drawing permits does not have to be limited strictly to the number of animals in the harvestable surplus over and above ANS_(max) as long as the number of animals taken by drawing permittees does not reduce the allowable take under registration permits below ANS_(max).

AS 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. 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 or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

- (4) the amount and distribution of cash income among those domiciled in the area or community;
- (5) the cost and availability of goods and services to those domiciled in the area or community;
- (6) the variety of fish and game species used by those domiciled in the area or community;
- (7) the seasonal cycle of economic activity;
- (8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;
- (9) the harvest levels of fish and game by those domiciled in the area or community;
- (10) the cultural, social, and economic values associated with the taking and use of fish and game;
- (11) the geographic locations where those domiciled in the area or community hunt and fish;
- (12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;
- (13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, “reasonable opportunity” means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game. (§ 6 ch 52 SLA 1986; am § 2 ch 1 SSSLA 1992)

Administrative Code. — For subsistence uses, see 5 AAC 99.

Editor’s notes. — Sections 3 and 12, ch. 1, SSSLA 1992, which provided for a delayed amendment of this section, were repealed by §§ 1 and 2, ch. 1, FSSLA 1998 before the delayed amendment took effect.

NOTES TO DECISIONS

Rural residency requirement unconstitutional. — The requirement contained in the 1986 subsistence statute (ch. 52, SLA 1986), that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates Alaska Const., art. VIII, §§ 3, 15, and 17. *McDowell v. State*, 785 P.2d 1 (Alaska 1989).

Prohibition of subsistence permits for residents in nonsubsistence areas invalid. — The requirements of the equal access clauses apply to both tiers of subsistence users. Just as eligibility to participate in all subsistence hunting and fishing cannot be made dependent on whether one lives in an urban or rural area, eligibility to participate in Tier II subsistence hunting and fishing cannot be based on how close one lives to a given fish or game population. Subsection (b)(4)(B)(ii), which uses the proximity of the domicile of the Tier II subsistence permit applicant to the fish or game population which the applicant wishes to harvest as a basis for the applicant’s eligibility, violates sections 3, 15, and 17 of article VIII of the Alaska Constitution. *State v. Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

Creation of nonsubsistence areas not unconstitutional. — The statutory provision in subsection (c) mandating the creation of nonsubsistence areas does not violate sections 3, 15, and 17 of article VIII of the Alaska Constitution because the provision by itself without the proximity of domicile provisions does absolutely bar subsistence uses for certain residents. *State v. Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

Authority of Board of Game. — Section 1605.258(b)(2) not only grants the Alaska Board of Game the authority to differentiate between subsistence uses, it requires the Board to adopt regulations that provide a reasonable opportunity for subsistence uses of those game populations that are customarily and traditionally taken or used for subsistence. *Alaska Fish & Wildlife Conservation Fund v. State*, 347 P.3d 97 (Alaska 2015).

Regulations adopted under former AS 16.05.257 had to be in accordance with the Administrative Procedure Act (AS 44.62). *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854 (Alaska 1978). While former AS 16.05.257, which authorized the Board of Game to adopt regulations providing for subsistence hunting, did not specifically refer to the Administrative Procedure Act (AS 44.62), it appeared clear that it merely set forth an additional purpose for which regulations might be promulgated. *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854 (Alaska 1978).

Considerations in adopting regulations. — The boards of fisheries and game have the discretion to adopt regulations that recognize the needs, customs, and traditions of Alaska residents, but they are not mandated to do so when formulating their subsistence regulations. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Decision of the Alaska Joint Boards of Fisheries and Game to use the non-rural boundaries as starting points for their nonsubsistence determinations was not inconsistent with subsection (c) of this section. *State v. Kenaitze Indian Tribe*, 83 P.3d 1060 (Alaska 2004).

Decision of the Alaska Joint Boards of Fisheries and Game to use large nonsubsistence starting areas or even to combine two proposed areas did not exceed their discretion; although the boundaries encompassed relatively large areas, an “area or community” as the words are used in subsection (c) of this section may encompass several subdistricts grouped together. *State v. Kenaitze Indian Tribe*, 83 P.3d 1060 (Alaska 2004).

“Sustained yield”. — The term “sustained yield” in subsection (b) is potentially broad enough to include authority in the game board to restrict even subsistence hunting in order to rebuild a damaged game population. However, the board does not have absolute discretion in this area. There must be a balance of minimum adverse impact upon rural residents who depend upon subsistence use of resources and recognized scientific principles of game management. *Kwethluk IRA Council v. Alaska*, 740 F. Supp. 765 (D. Alaska 1990).

The state has a compelling interest in maintaining a healthy and sustainable king salmon population in the Kuskokwim River, and the population would be harmed if the court granted a religious exemption to allow all Yup'ik subsistence fishers to fish for king salmon according to their sincerely held religious beliefs without regard to emergency closures or gear restrictions. *Phillip v. State*, 347 P.3d 128 (Alaska 2015).

“Area or community.” — The term “area or community” is broad enough to encompass several subdistricts grouped together. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

The subsistence law leaves the determination of which geographic boundaries constitute a subsistence area or community to the discretion of the fisheries board. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Familial relationship not required. — In evaluating a subsistence fishery proposal, the Board of Fisheries erroneously required users of salmon in an area to have a familial relationship with prior generations of subsistence users in the area; such interpretation of 5 AAC 99.010(b) was inconsistent with subsection (a)

and the definition of “customary and traditional” in AS 16.05.940. *Payton v. State*, 938 P.2d 1036 (Alaska 1997).

Invalid regulations severable. — Invalid portions of regulations established pursuant to the mandate of this section are severable from the remaining regulations if, standing alone, the regulation can be given legal effect and the legislature intended the provision to stand. *State v. Palmer*, 882 P.2d 386 (Alaska 1994).

Issuance of permits based on verbal instructions to agents held improper. — Nothing in the Administrative Procedure Act (AS 44.62) authorizes the Board of Game to impose requirements not contained in written regulations by means of oral instructions to agents. Such verbal additions to regulations involving requirements of substance are unauthorized and unenforceable. *State v. Tanana Valley Sportsmen’s Ass’n*, 583 P.2d 854 (Alaska 1978).

Adoption of eligibility criteria. — All Alaskans are eligible to participate in subsistence hunting and fishing, and the board of game lacks the authority to adopt eligibility criteria when the resource is sufficiently abundant to satisfy all subsistence users. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

The least intrusive standard applied by the superior court to board of game regulations for subsistence uses is not explicitly mentioned in the text of the subsistence preference laws nor can such a standard be reasonably implied from the fact that the subsistence law in this section accords a “preference” to subsistence users. The subsistence law provides a preference only by giving subsistence users “reasonable opportunity” to harvest the resource, and the superior court erred in its decision that the least intrusive standard was implied as a rule of construction for the term “reasonable opportunity.” *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Grouping of stock. — Since manageability is the key element in the classification of a category of fish as a “stock,” it was not unreasonable for the fisheries board to group salmon stocks together where it determined that subsistence users themselves “customarily and traditionally” took the species interchangeably. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Reasonable basis for Board of Game’s quota of caribou to be killed under former AS 16.05.257. — See *State v. Tanana Valley Sportsmen’s Ass’n*, 583 P.2d 854 (Alaska 1978).

Emergency caribou hunt allowed. — Native Alaskan villagers were granted injunctive relief permitting an emergency caribou hunt allowing the taking of 50 to 70 animals where the hunt was justified by economic conditions and would not adversely affect the herd. *Kwethluk IRA Council v. Alaska*, 740 F. Supp. 765 (D. Alaska 1990).

In affirming the grant of summary judgment to the state in a management team’s challenge to 5 AAC 85.045, the court determined that the regulation violated neither the sustained yield principle of Alaska Const. art. VIII, § 4, nor AS 16.05.255 and this section; the Board of Game acted within its discretion in adopting the regulation that allowed for the issuance of “up to” 400 hunting permits in a controlled use area because creating a controlled use area did not necessarily amount to designating a relevant animal population for management purposes, and it was reasonable not to manage moose in the region as a distinct game population. *Koyukuk River Basin Moose Co-Management v. Bd. of Game*, 76 P.3d 383 (Alaska 2003).

Regulations held valid. — 5 AAC 99.010(b) is constitutional, consistent with its enabling statute, and reasonably necessary to carry out the purposes of the subsistence state. AS 16.05.251(a)(6) and 16.05.258(a) allow the Board of Fisheries, to create regulations for classifying fish, and for identifying the

particular fish stocks that align with subsistence use patterns; the subsistence statute provides a general definition of the requirements for subsistence use, but 5 AAC 99.010(b) provides definitions of each specific component, and guidelines for how they should be applied. *Alaska Fish & Wildlife Conservation Fund v. State, Dep't of Fish & Game*, 289 P.3d 903 (Alaska 2012).

Department of Fish and Game regulations promulgated by the Alaska Board of Game managing caribou hunting, were upheld because the Board's "amount reasonably necessary for subsistence" calculation did not implicate, or violate, the equal access, uniform application, or equal protection clauses of the Alaska Constitution; the Board included a broad variety of subsistence uses, and its definition applied equally to all citizens. *Manning v. State*, 355 P.3d 530 (Alaska 2015), cert. denied.

Summary judgment in favor of the Department of Fish and Game, upholding regulations promulgated by the Alaska Board of Game managing caribou hunting, was proper because considerable evidence justified the Board's "amount reasonably necessary for subsistence" calculation; the Board reasonably concluded that there was a reasonable opportunity for subsistence uses, and managing the Nelchina caribou hunt was consistent with the statute and was reasonable and not arbitrary. *Manning v. State*, 355 P.3d 530 (Alaska 2015), cert. denied.

Regulations held invalid. — Board of game regulations establishing seasons and bag limits on the taking of moose and caribou were arbitrary and invalid, where the board did not follow or articulate its use of the statutory analytical process for adopting bag limits as to subsistence hunting, and the regulations imposed seasons not consistent with the board's findings as to established village customs and thereby unacceptably restricted the statutory preference for subsistence uses. *Bobby v. Alaska*, 718 F. Supp. 764 (D. Alaska 1989).

Trophy hunting regulations adopted by the board of game do not constitute compliance with the requirement of subsection (c) that the board adopt subsistence hunting regulations for game. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Where no hearing was ever held regarding whether regulations of the board of game were consistent with the subsistence law prior to their adoption as subsistence regulations, the challenged tag/fee and sealing regulations, as subsistence regulations applicable to the taking and use of brown/grizzly bears in the affected game management units, were invalid. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Board of Fisheries regulations that allowed the Department of Fish and Game to establish harvest limits through the permitting process held invalid; annual subsistence fishing harvest limit on sockeye salmon constitutes a "regulation" that was to be adopted by the Board of Fisheries in compliance with the Administrative Procedure Act. *Estrada v. State*, 362 P.3d 1021 (Alaska 2015).

Remand. — Where defendant was erroneously barred from challenging regulations prohibiting hunting with the aid of an artificial light and applying the prohibition against subsistence hunters, the case was remanded to allow defendant to demonstrate that the regulations were adopted without compliance with the Administrative Procedure Act, AS 44.62. *Totemoff v. State*, 905 P.2d 954 (Alaska 1995), cert. denied, 517 U.S. 1244, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

Cited in *Krohn v. State, Dep't of Fish & Game*, 938 P.2d 1019 (Alaska 1997).

AS 16.05.259. No subsistence defense.

In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses. (§ 7 ch 52 SLA 1986)

Revisor's notes. — Formerly AS 16.05.261. Renumbered in 1987.

NOTES TO DECISIONS

Power to challenge regulation. — A person charged with a subsistence hunting violation is not precluded by this section or by the federal Alaska National Interest Lands Conservation Act from challenging the regulation he is alleged to have violated. *Bobby v. Alaska*, 718 F. Supp. 764 (D. Alaska 1989).

Since *State v. Eluska*, 724 P.2d 514 (Alaska 1986) and this section prevent hunters who took game in the absence of any regulation authorizing them to do so from claiming a subsistence defense, a defendant was not prohibited from contesting the validity of a regulation which prohibits hunting with the aid of an artificial light. *Totemoff v. State*, 905 P.2d 954 (Alaska 1995), cert. denied, 517 U.S. 1244, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

AS 16.05.940. Definitions. In AS 16.05 — AS 16.40,

- (1) "aquatic plant" means any species of plant, excluding the rushes, sedges, and true grasses, growing in a marine aquatic or intertidal habitat;
- (2) "barter" means the exchange or trade of fish or game, or their parts, taken for subsistence uses
 - (A) for other fish or game or their parts; or
 - (B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;
- (3) "a board" means either the Board of Fisheries or the Board of Game;
- (4) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish, but does not include processing workers on floating fish processing vessels who do not operate fishing gear or engage in activities related to navigation or operation of the vessel; in this paragraph "operate fishing gear" means to deploy or remove gear from state water, remove fish from gear during an open fishing season or period, or possess a gill net containing fish during an open fishing period;
- (5) "commercial fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish, or other fish resources;
- (6) "commissioner" means the commissioner of fish and game unless specifically provided otherwise;
- (7) "customary and traditional" means the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game;
- (8) "customary trade" means the limited noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources; the terms of this paragraph do not restrict money sales of furs and furbearers;
- (9) "department" means the Department of Fish and Game unless specifically provided otherwise;
- (10) "domestic mammals" include musk oxen, bison, and reindeer, if they are lawfully owned;
- (11) "domicile" means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game;

- (12) “fish” means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian;
- (13) “fish derby” means a contest in which prizes are awarded for catching fish;
- (14) “fish or game farming” means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and “captivity” means having the fish or game under positive control, as in a pen, pond, or an area of land or water that is completely enclosed by a generally escape-proof barrier; in this paragraph, “fish” does not include shellfish, as defined in AS 16.40.199;
- (15) “fish stock” means a species, subspecies, geographic grouping, or other category of fish manageable as a unit;
- (16) “fish transporter” means a natural person who holds a fish transporter permit issued under AS 16.05.671;
- (17) “fishery” means a specific administrative area in which a specific fishery resource is taken with a specific type of gear; however, the Board of Fisheries may designate a fishery to include more than one specific administrative area, type of gear, or fishery resource; in this paragraph
- (A) “gear” means the specific apparatus used in the harvest of a fishery resource; and
- (B) “type of gear” means an identifiable classification of gear and may include
- (i) classifications for which separate regulations are adopted by the Board of Fisheries or for which separate gear licenses were required by former AS 16.05.550 — 16.05.630; and
- (ii) distinct subclassifications of gear such as “power” troll gear and “hand” troll gear or sport gear and guided sport gear;
- (18) “fur dealing” means engaging in the business of buying, selling, or trading in animal skins, but does not include the sale of animal skins by a trapper or hunter who has legally taken the animal, or the purchase of animal skins by a person, other than a fur dealer, for the person’s own use;
- (19) “game” means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 — AS 16.40;
- (20) “game population” means a group of game animals of a single species or subgroup manageable as a unit;
- (21) “hunting” means the taking of game under AS 16.05 — AS 16.40 and the regulations adopted under those chapters;
- (22) “nonresident” means a person who is not a resident of the state;
- (23) “nonresident alien” means a person who is not a citizen of the United States and whose permanent place of abode is not in the United States;
- (24) “operator” means the individual by law made responsible for the operation of the vessel;
- (25) “person with physical disabilities” means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;
- (26) “personal use fishing” means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;
- (27) “resident” means
- (A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person’s domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;
- (B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this

paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(28) "rural area" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;

(29) "seizure" means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 — AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(30) "sport fishing" means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(31) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(32) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game;

(33) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis;

(34) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

(35) "taxidermy" means tanning, mounting, processing, or other treatment or preparation of fish or game, or any part of fish or game, as a trophy, for monetary gain, including the receiving of the fish or game or parts of fish or game for such purposes;

(36) "trapping" means the taking of mammals declared by regulation to be fur bearers;

(37) "vessel" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but does not include aircraft. (§ 2 art I ch 95 SLA 1959; § 9 art III ch 94 SLA 1959; am §§ 1 — 4 ch 131 SLA 1960; am § 23 ch 131 SLA 1960; am § 1 ch 21 SLA 1961; am §§ 1, 2 ch 102 SLA 1961; am § 1 ch 160 SLA 1962; am §§ 13, 14 ch 31 SLA 1963; am § 2 ch 32 SLA 1968; am § 3 ch 73 SLA 1970; am § 1 ch 91 SLA 1970; am § 4 ch 110 SLA 1970; am § 1 ch 90 SLA 1972; am § 5 ch 82 SLA 1974; am §§ 26, 82 ch 127 SLA 1974; am §§ 18 — 20 ch 206 SLA 1975; am § 12 ch 105 SLA 1977; am §§ 14, 15 ch 151 SLA 1978; am § 1 ch 78 SLA 1979; am § 1 ch 24 SLA 1980; § 4 ch 74 SLA 1982; am § 24 ch 132 SLA 1984; am §§ 9 — 11 ch 52 SLA 1986; am § 5 ch 76 SLA 1986; am § 1 ch 114 SLA 1988; am § 9 ch 145 SLA 1988; am § 3 ch 6 SLA 1989; am § 15 ch 211 SLA 1990; am § 18 ch 30 SLA 1992; am § 2 ch 49 SLA 1992; am § 3 ch 90 SLA 1992; am § 4 ch 1 SSSLA 1992; am § 4 ch 9 SLA 1994; am § 3 ch 38 SLA 1997; am § 4 ch 112 SLA 2003)

Revisor's notes. — Reorganized in 1983, 1986, 1989, 1992, 2003, and 2012 to alphabetize the defined terms and to maintain alphabetical order. Former paragraph (13) was renumbered as AS 16.05.662(b) in 1992.

Both § 2, ch. 49, SLA 1992, and § 3, ch. 90, SLA 1992 amended former paragraph (12), now paragraph (17) of this section, defining “fishery”. Because the latter amendment took effect first and included the former amendment, paragraph (17) is set out as amended by § 3, ch. 90, SLA 1992.

Editor's notes. — Sections 5 and 12, ch. 1, SSSLA 1992, which provided for a delayed repeal of former paragraphs (36) and (37), now paragraphs (7) and (8) of this section, defining “customary and traditional” and “customary trade” respectively, were themselves repealed by §§ 1 and 2, ch. 1, FSSLA 1998 before the delayed repeal took effect.

Legislative history reports. — For report on ch. 32, SLA 1968 (HCSCSSB 50 am), see 1968 House Journal, p. 169. For report on the 1974 amendment of former paragraph (2), now paragraph (4) of this section, defining “commercial fisherman,” ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

For legislative letter of intent in connection with the amendment to (4) of this section, defining “commercial fisherman,” by § 1, ch. 114, SLA 1988 (CSSB 309 (Res)), see 1988 Senate Journal 2027. For an explanation of the 1994 amendment of (10) of this section, defining “domestic mammals,” see 1994 House Journal Supplement No. 12, February 22, 1994, page 2.

Opinions of attorney general. — The paragraph defining “resident” did not grant special resident privileges to military personnel. 1964 Op. Att’y Gen. No. 2.

Term “customary trade” as used in the definition of “subsistence uses” allows for limited exchanges for cash other than for purely personal or family consumption. 1981 Op. Att’y Gen. No. 11.

Definition of “subsistence uses” in terms of “customary and traditional uses of wild, renewable resources” reflects the equating of “subsistence use” with use by rural residents. 1981 Op. Att’y Gen. No. 11.

A domestic or nondomestic animal becomes feral when it returns to a wild state. In the case of a partially domesticated or captive wild animal such as a fox that escapes, this generally means when the animal is no longer under the control of its owner or the owner is not in direct pursuit. In the case of a domestic animal such as a cow or pig that escapes, it is “feral” when it is living as a wild creature, and this may take more or less time depending on the circumstances. In the case of a domestic animal trespassing upon public lands, it could be declared “feral” under statute or regulation. July 30, 1987 Op. Att’y Gen.

The statutory term “feral domestic animal” found in the definition of “game” now (19) is a contradiction in terms; any regulatory clarification should focus on what is a “feral animal” and explain that the term “feral domestic animal” is interpreted to mean a domestic or domesticated animal that has become feral. July 30, 1987 Op. Att’y Gen.

If factual information supported the proposition that it is “customary and traditional” to make handicraft articles from sea otter skins, and if sea otters are or have been taken customarily and traditionally for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, then skins of sea otters could be used for making handicrafts, even if the meat were not eaten. If sea otters were not customarily and traditionally taken for food, shelter, fuel, clothing, tools, or transportation, it would arguably not be permissible to harvest the animals only for handicraft purposes under subsistence regulations. Mar. 14, 1988 Op. Att’y Gen.

A member of the military who claims Alaska residency, and who is transferred to another state, may be allowed to obtain a “resident” rather than a “nonresident” hunting or fishing license in that state, based upon the service member’s military status. Alaska statutes allow for such a limited availability of resident licenses for military personnel who are stationed in Alaska but claim residency elsewhere. Determination of each service member’s status must be made on a case by case basis, but where the licensing and

residency laws of other jurisdictions mirror Alaska's, a service member may obtain a "resident" license in the other jurisdiction without forfeiting Alaska residency. 2003 Op. Att'y Gen. 14.

NOTES TO DECISIONS

Rural residency requirement unconstitutional. — The requirement contained in the 1986 subsistence statute (ch. 52, SLA 1986), that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates Alaska Const., art. VIII, §§ 3, 15, and 17. *McDowell v. State*, 785 P.2d 1 (Alaska 1989).

Intent. — 5 AAC 99.010(b) is consistent with AS 16.05.940 because AS 16.05.940 is not intended to grant subsistence rights to any long-term users of an area, and it was proper to consider the cultural, social, and economic context in which a harvest takes place; even if personal use fisheries met the subsistence statute's consistency and duration requirements, they might not have carried the cultural, social, spiritual, and nutritional importance that the subsistence statute protects. *Alaska Fish & Wildlife Conservation Fund v. State, Dep't of Fish & Game*, 289 P.3d 903 (Alaska 2012).

"Customary and traditional." — In evaluating a subsistence fishery proposal, the Board of Fisheries erroneously required users of salmon in an area to have a familial relationship with prior generations of subsistence users in the area; such interpretation of 5 AAC 99.010(b) was inconsistent with AS 16.05.258(a) and the definition of "customary and traditional" in this section. *Payton v. State*, 938 P.2d 1036 (Alaska 1997).

Since manageability is the key element in the classification of a category of fish as a "stock," it was not unreasonable for the fisheries board to group salmon stocks together where it determined that subsistence users themselves "customarily and traditionally" took the species interchangeably. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Movement of bison. — In an appeal that challenged the efforts of the Board of Game to control, by regulation, the movement of bison that strayed outside the boundaries of two game ranches on Kodiak Island, the Board's failure to consider AS 16.05.940(10) fell short of what was required under the Supreme Court's standard, which examines whether the regulation conflicts with other statutes. *Ellingson v. Lloyd*, 342 P.3d 825 (Alaska 2014).

Single and multiple fisheries distinguished. — Alaska fisheries board erred in finding that the differences in equipment the board authorized for open and cooperative fishers did not create two distinct fisheries under the definition of "fishery" in this section; the fishery at issue was a single fishery within the statutory definition, and the board did not alter that fact by making detail changes to the type of equipment used by the cooperative fishers. *Alaska Bd. of Fisheries v. Grunert*, 139 P.3d 1226 (Alaska 2006).

Regulation held invalid because inconsistent with statutory law. — See *Madison v. Alaska Dep't of Fish & Game*, 696 P.2d 168 (Alaska 1985).

Quoted in *United States v. Skinna*, 915 F.2d 1250 (9th Cir. 1990); *Peninsula Mktg. Ass'n v. State*, 817 P.2d 917 (Alaska 1991); *Kodiak Seafood Processors Ass'n v. State*, 900 P.2d 1191 (Alaska 1995); *Koyukuk River Basin Moose Co-Management v. Bd. of Game*, 76 P.3d 383 (Alaska 2003). Stated in *State v. Carlson*, 65 P.3d 851 (Alaska 2003).

Cited in *Starry v. Horace Mann Ins. Co.*, 649 P.2d 937 (Alaska 1982); *State v. Eluska*, 698 P.2d 174 (Alaska Ct. App. 1985); *Arkanakyak v. State, Com. Fisheries Entry Comm'n*, 759 P.2d 513 (Alaska 1988); *Jurco v. State*, 816 P.2d 913 (Alaska Ct. App. 1991); *West v. State*, 248 P.3d 689 (Alaska 2010).

5 AAC 99.010. Boards of fisheries and game subsistence procedures

(a) In applying a subsistence law, the Board of Fisheries and the Board of Game will provide for conservation and development of Alaska's fish and game resources according to sustained yield principles.

(b) Each board will identify fish stocks or game populations, or portions of stocks or populations, that are customarily and traditionally taken or used by Alaska residents for subsistence uses by considering the following criteria:

(1) a long-term consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns;

(2) a pattern of taking or use recurring in specific seasons of each year;

(3) a pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost;

(4) the area in which the noncommercial, long-term, and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established;

(5) a means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, but not excluding recent technological advances where appropriate;

(6) a pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation;

(7) a pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving; and

(8) a pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.

(c) When circumstances such as increased numbers of users, weather, predation, or loss of habitat may jeopardize the sustained yield of a fish stock or game population, each board will exercise all practical options for restricting nonsubsistence harvest of the stock or population and may address other limiting factors before subsistence uses are restricted below the level the board has determined to provide a reasonable opportunity. If all available restrictions for nonsubsistence harvests have been implemented and further restrictions are needed, the board will eliminate nonsubsistence consumptive uses, and reduce the take for subsistence uses in a series of graduated steps under [AS 16.05.258](#) (b)(4)(B) - the "Tier II" distinction - by distinguishing among subsistence users through limitations based on

(1) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood; and

(2) repealed 2/23/2014;

(3) the ability of the subsistence user to obtain food if subsistence use of the stock or population is restricted or eliminated.

History: Eff. 5/30/82, Register 82; am 1/17/91, Register 117; am 5/15/93, Register 126; am 2/23/2014, Register 209

Authority: [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

5 AAC 99.015. Joint Board nonsubsistence areas

(a) The following areas are found by the Joint Board of Fisheries and Game to be nonsubsistence use areas:

(1) The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC [92.450\(1\)](#) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC [33.200\(a\)](#) (3), 1-D, as defined by 5 AAC [33.200\(a\)](#) (4), 1-E, as defined by 5 AAC [33.200\(a\)](#) (5), that portion of Section 1-F, as defined by 5 AAC [33.200\(a\)](#) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC [33.200\(b\)](#) , within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.

(2) The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by 5 AAC [92.450\(1\)](#) (C), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by 5 AAC [92.450\(4\)](#) , that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in 5 AAC [33.200\(k\)](#) (1) and (k)(2), Section 12-B, as defined in 5 AAC [33.200\(l\)](#) (2), and that portion of Section 12-A, as defined in 5 AAC [33.200\(l\)](#) (1), north of the latitude of Point Marsden and that portion of District 15, as defined in 5 AAC [33.200\(o\)](#) , south of the latitude of the northern entrance to Berners Bay, and including Berners Bay.

(3) The Anchorage-Matsu-Kenai Nonsubsistence Area is comprised of the following: Units 7, as defined by 5 AAC [92.450\(7\)](#) (except the Kenai Fjords National Park lands), 14, as defined by 5 AAC [92.450\(14\)](#) , 15, as defined by 5 AAC [92.450\(15\)](#) (except Kalgin Island and that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy Rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the eastern most point of Jakolof Bay and the eastern most point of Rocky Bay), 16(A), as defined by 5 AAC [92.450\(16\)](#) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC [21.100](#) (except those waters north of Point Bede which are west of a line from the eastern most point of Jakolof Bay north to the western most point of Hesketh Island including

Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the eastern most point of Rocky Bay; and those waters described in 5 AAC [01.555\(b\)](#), known as the Tyonek subdistrict).

(4) The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC [92.450\(20\)](#) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC [92.450\(20\)](#) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC [92.450\(20\)](#) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC [92.450\(25\)](#) (C), the Preacher and Beaver Creek drainages.

(5) The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC [92.450\(6\)](#) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC [24.100](#), within the March 1993 Valdez City limits.

(b) Repealed 2/23/2014.

History: Eff. 5/15/93, Register 126; am 4/28/94, Register 130; am 2/23/2014, Register 209; am 7/1/2016, Register 218

Authority: [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

5 AAC 99.016. Activities permitted in a nonsubsistence area

(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.

History: Eff. 5/15/93, Register 126; am 2/23/2014, Register 209

Authority: [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

5 AAC 99.021. Definitions

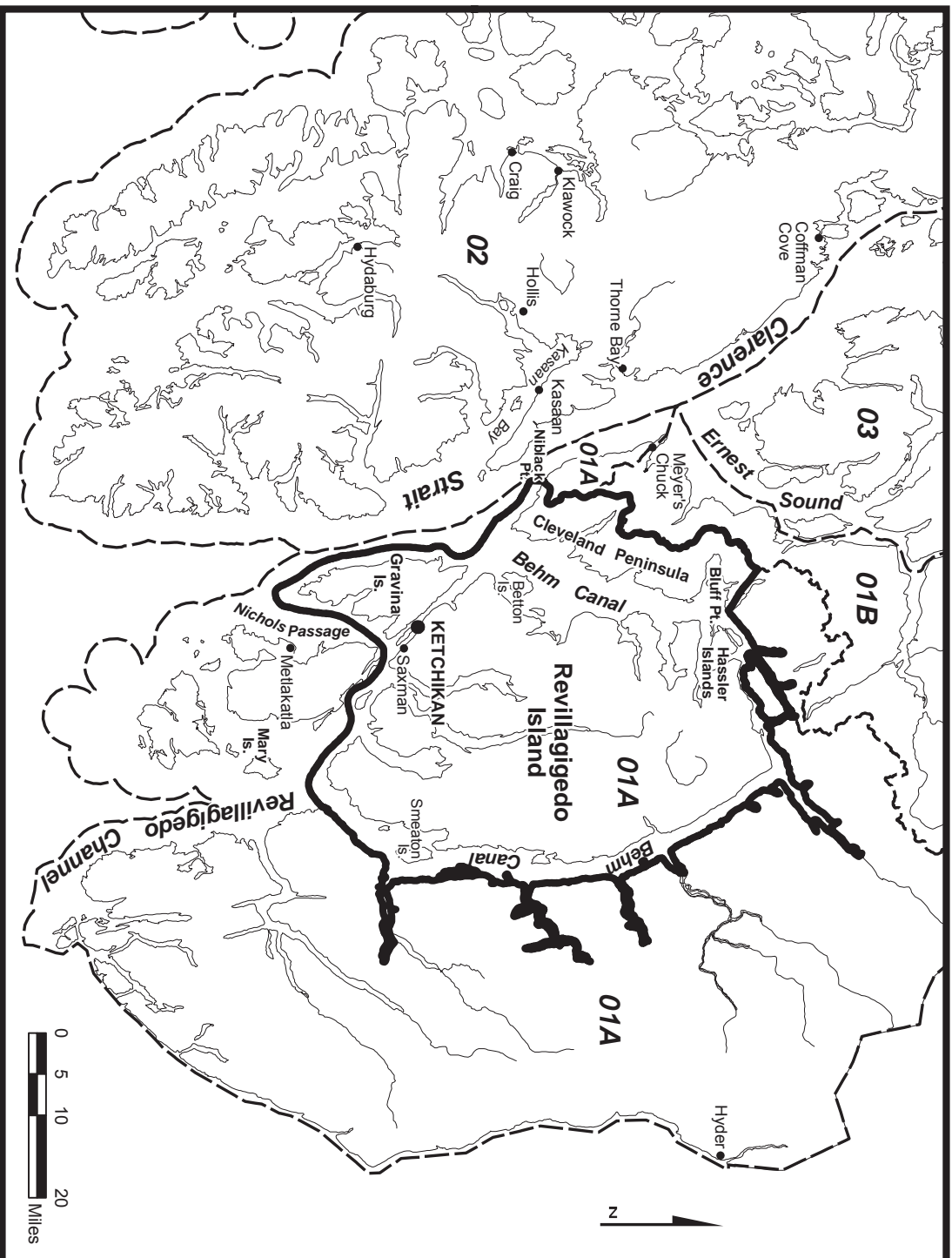
In addition to the definitions in [AS 16.05.940](#) , in this chapter,

- (1) "road-connected area" means the location of domiciles that are normally accessed by motorized highway vehicles operating on constructed roads that connect to the main highway system in the relevant area, including roads that can be negotiated during all portions of the year; in this paragraph, "normally accessed" means that it is reasonably feasible to transport persons, food, and other supplies to domiciles by motorized highway vehicles;
- (2) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident of the state for subsistence uses with a gillnet, seine, fish wheel, longline, or other means defined by the Board of Fisheries;
- (3) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident of the state for subsistence uses by means defined by the Board of Game;
- (4) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis.

History: Eff. 7/31/87, Register 103; am 2/23/2014, Register 209

Authority: [AS 16.05.258](#)

Ketchikan Nonsubsistence Area



The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC 92.450(1) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC 33.200(a) (3), 1-D, as defined by 5 AAC 33.200(a) (4), 1-E, as defined by 5 AAC 33.200(a) (5), that portion of Section 1-F, as defined by 5 AAC 33.200(a) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC 33.200(b), within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.

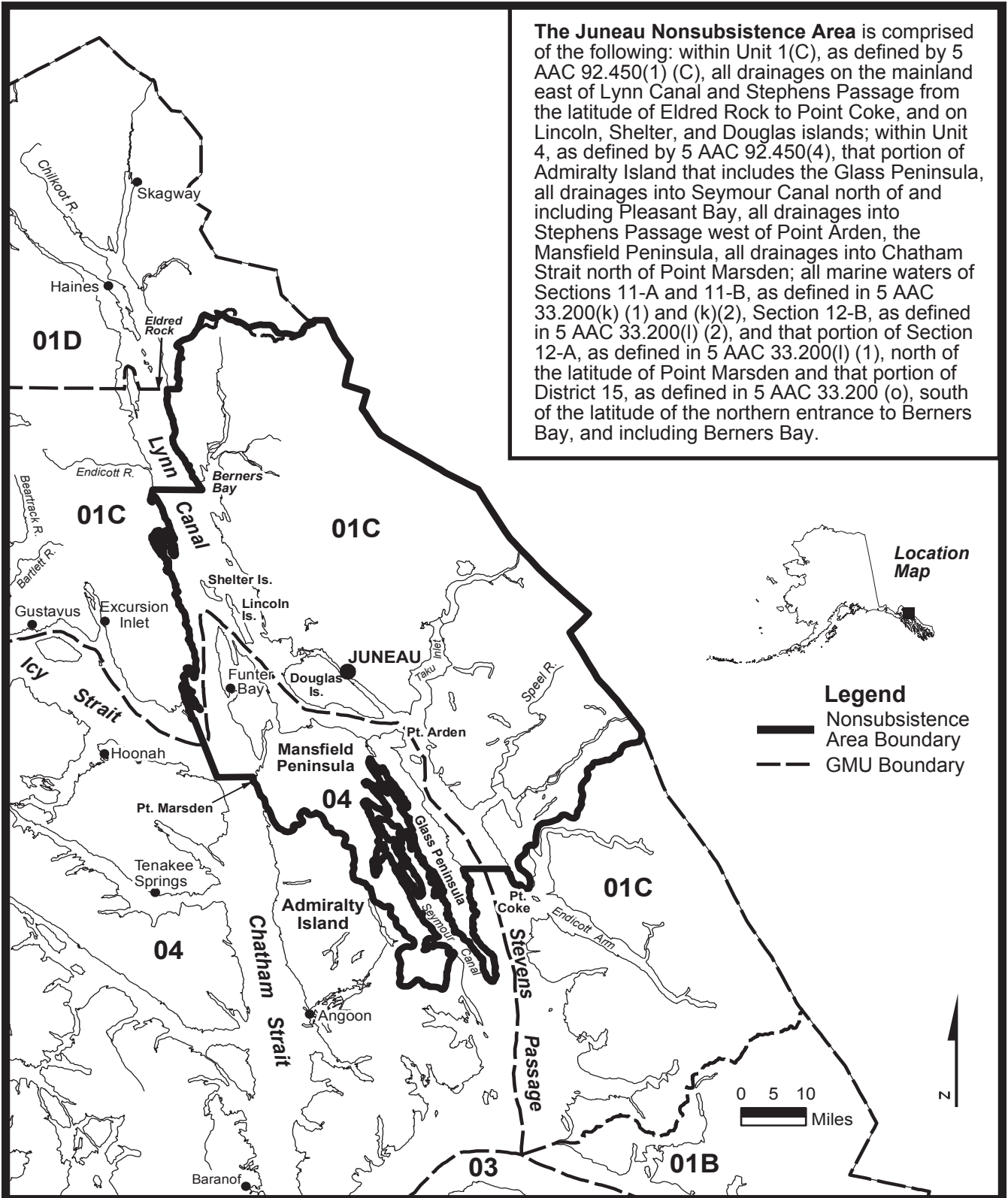


Legend
 ■ Nonsubsistence Area Boundary
 - - - GMU Boundary



Juneau Nonsubsistence Area

The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by 5 AAC 92.450(1) (C), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by 5 AAC 92.450(4), that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in 5 AAC 33.200(k) (1) and (k)(2), Section 12-B, as defined in 5 AAC 33.200(l) (2), and that portion of Section 12-A, as defined in 5 AAC 33.200(l) (1), north of the latitude of Point Marsden and that portion of District 15, as defined in 5 AAC 33.200 (o), south of the latitude of the northern entrance to Berners Bay, and including Berners Bay.



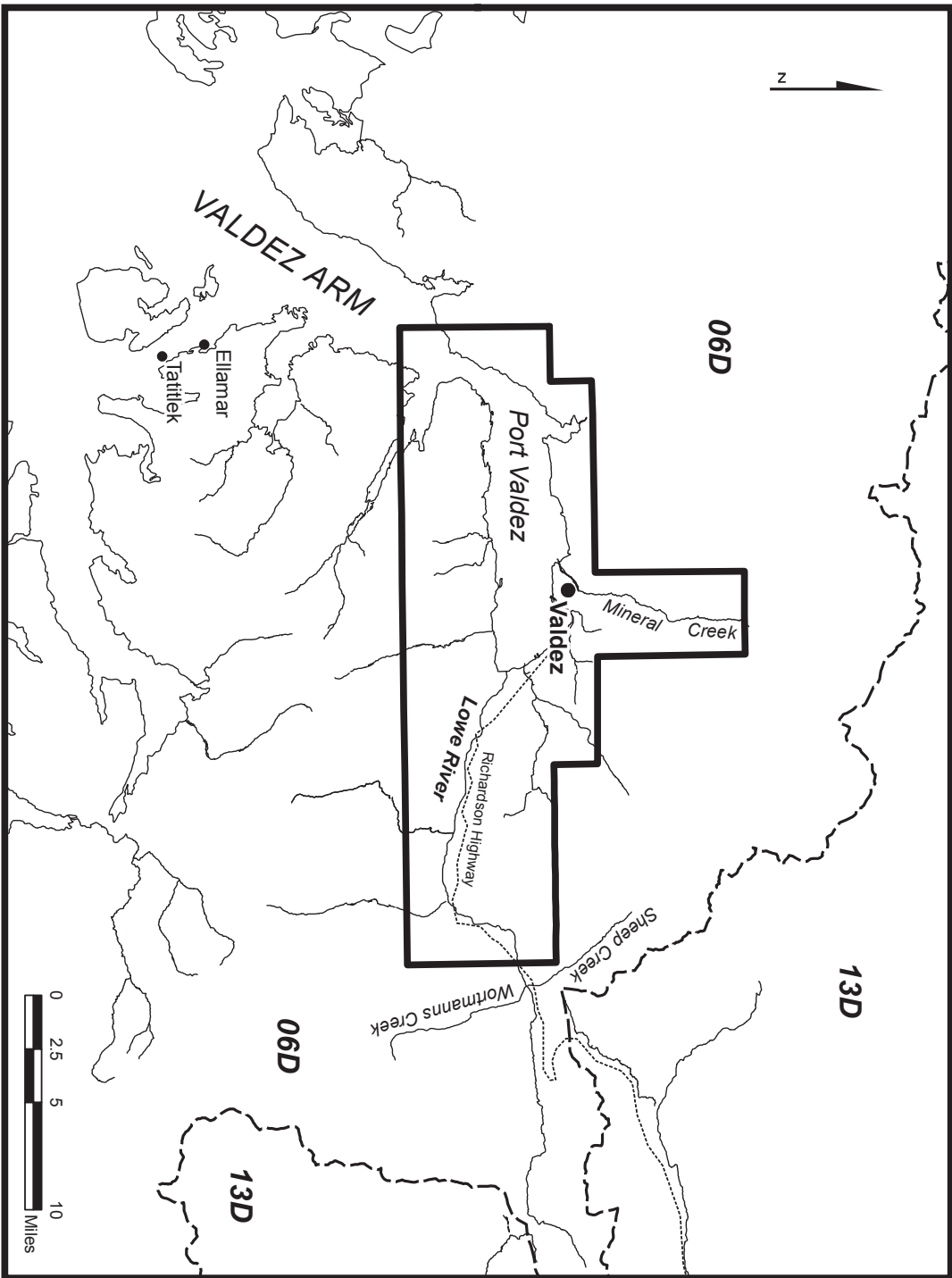
Legend
 Nonsubsistence Area Boundary
 GMU Boundary



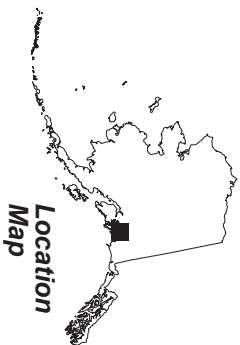
Alaska Department of Fish and Game
Division of Subsistence and Boards

September 2007

Valdez Nonsubsistence Area



The Valdez Nonsubsistence Area is comprised of the following:
 within Unit 6(D), as defined by 5 AAC 92.450(6) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC 24.100, within the March 1993 Valdez City limits.

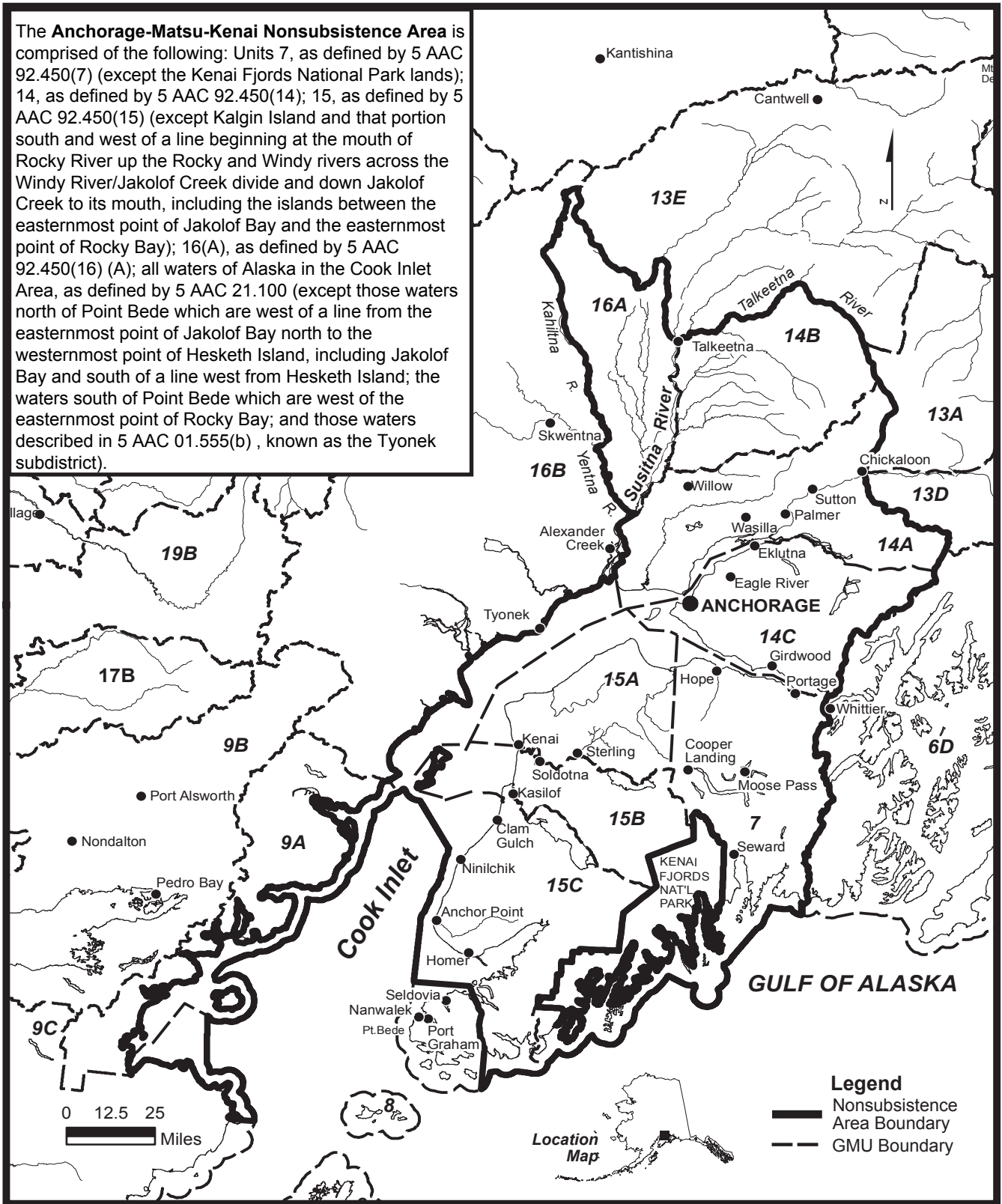


- Legend**
- Nonsubsistence Area Boundary
 - - - GMU Boundary
 - Roads

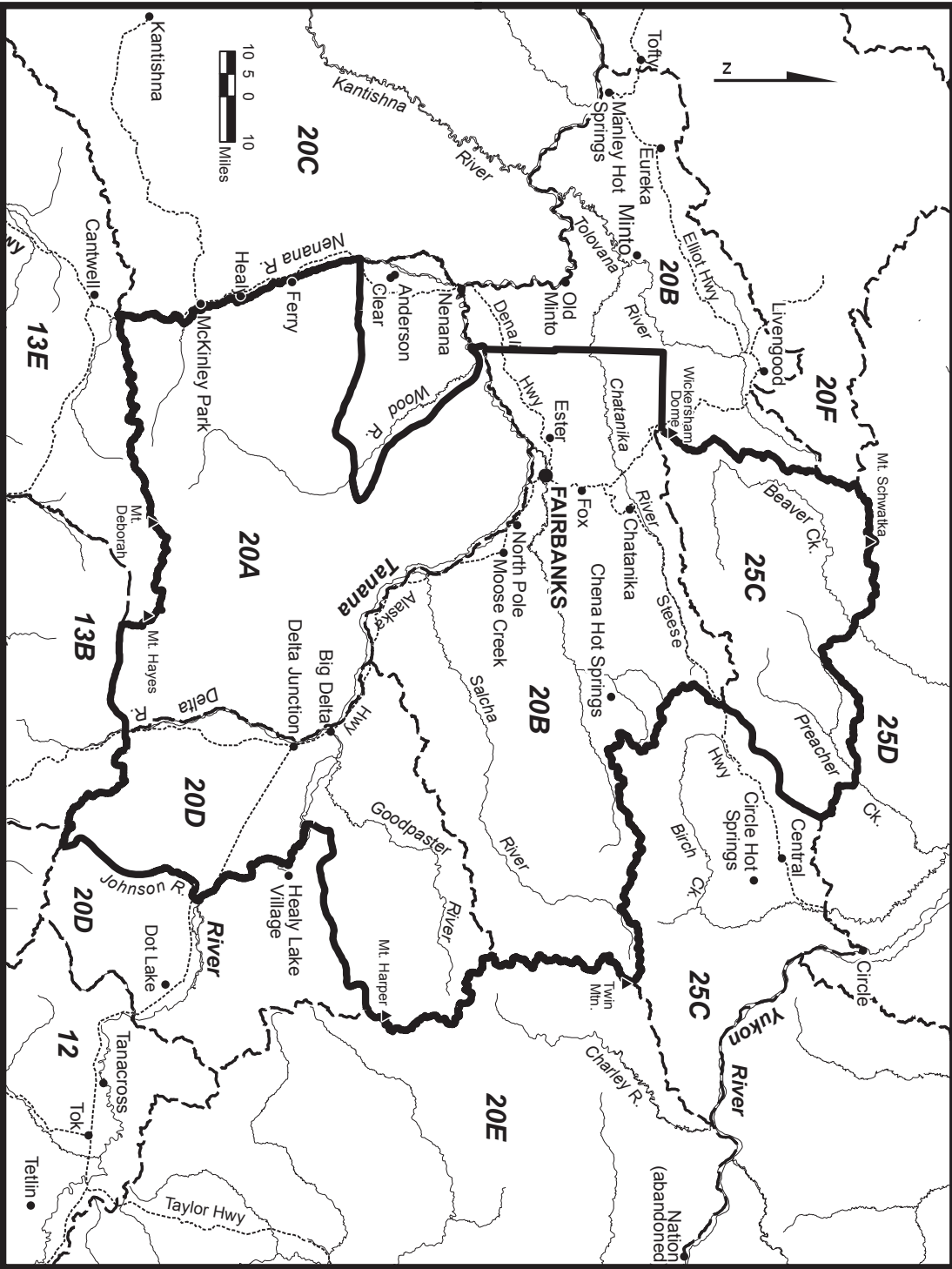


Anchorage Nonsubsistence Area

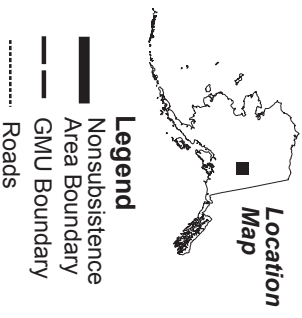
The **Anchorage-Matsu-Kenai Nonsubsistence Area** is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands); 14, as defined by 5 AAC 92.450(14); 15, as defined by 5 AAC 92.450(15) (except Kalgin Island and that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the easternmost point of Jakolof Bay and the easternmost point of Rocky Bay); 16(A), as defined by 5 AAC 92.450(16) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC 21.100 (except those waters north of Point Bede which are west of a line from the easternmost point of Jakolof Bay north to the westernmost point of Hesketh Island, including Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the easternmost point of Rocky Bay; and those waters described in 5 AAC 01.555(b), known as the Tyonek subdistrict).



Fairbanks Nonsubsistence Area



The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC 92.450(20) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC 92.450(20) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpastor River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25) (C), the Preacher and Beaver Creek drainages.



Alaska Department of Fish and Game - Division of Subsistence and Boards

September 2007

MEMORANDUM

State of Alaska Department of Law

TO:	Kristy Tibbles Executive Director Alaska Board of Game	DATE:	March 7, 2023
		FILE NO.:	2022200301
		TEL. NO.:	269-5232
FROM:	Cheryl Rawls Brooking Assistant Attorney General Natural Resources Section Department of Law	SUBJECT:	March 2023 Southcentral Region Board of Game meeting

GENERAL COMMENTS

In general, ethics disclosures: Before staff reports begin on any new agenda item, or, if preferred, at the very beginning of the meeting, Ethics Act disclosures and determinations must be made under AS 39.52.

In general, record-making: It is very important that Board members carefully explain and clearly summarize on the record the reasons for their actions and the grounds upon which the actions are based. The Alaska Supreme Court has stressed the importance of a clear record to facilitate the courts in determining that the Board's actions are within its authority and are reasonable. A clear record also assists the public in understanding the Board's rationale. If Board members summarize the reasons for their actions before they vote, it will help establish the necessary record.

In considering each proposal, and the specific requirements that apply in some cases, such as with the subsistence law, it is important that the Board thoroughly discuss and summarize on the record the basis and reasons for its actions. Consistency with past approaches is another important point for discussion. If a particular action does not appear to be consistent, Board members should discuss their reasons for a different approach.

The Alaska Administrative Procedure Act requires that State agencies, including the Board of Game, "[w]hen considering the factual, substantive, and other relevant matter, ... pay special attention to the cost to private persons of the proposed regulatory action." AS 44.62.210(a). This requirement to pay special attention to costs means, at a minimum, that the Board should address any information presented about costs, or explicitly state that no such information was presented, during deliberation of any proposal likely to be adopted. In our view, this requirement does not go so far as to mandate that the Board conduct an independent investigation of potential costs, nor does it require that cost factor into the Board's decision more than, for example, conservation concerns might. However,

it does require the Board to address and “pay special attention to” costs relevant to each regulation adopted.

In general, written findings: If any issue is already in court, or is controversial enough that you believe it might result in litigation, or if it is complex enough that findings may be useful to the public, the department, or the Board in the future, it is important that the Board draft and adopt written findings explaining its decisions. From time to time, the Department of Law will recommend that written findings be adopted, in order to better defend the Board’s action. Such recommendations should be carefully considered, as a refusal to adopt findings, in these circumstances, could mean that the Board gets subjected to judicial oversight and second-guessing which might have been avoided. The Alaska Supreme Court has stressed the importance of an adequate decisional document, or written finding, to a determination that the Board has acted within its authority and rationally in adopting regulations, and has deferred to such findings in the past.

In general, subsistence: For each proposal the Board should consider whether it involves or affects identified subsistence uses of the game population or sub-population in question. If action on a proposal would affect a subsistence use, the Board must be sure that the regulations provide a reasonable opportunity for the subsistence uses, unless sustained yield would be jeopardized. If the Board has not previously done so, it should first determine whether the game population is subject to customary and traditional uses for subsistence and what amount of the harvestable portion, if any, is reasonably necessary for those uses. *See* 5 AAC 99.025 for current findings on customary and traditional uses and amounts reasonably necessary for subsistence uses. The current law requires that the Board have considered at least four issues in implementing the preference:

- (1) Identify game populations or portions of populations customarily and traditionally taken or used for subsistence; *see* 8 criteria at 5 AAC 99.010(b);
- (2) determine whether a portion of the game population may be harvested consistent with sustained yield;
- (3) determine the amount of the harvestable portion reasonably necessary for subsistence uses; and
- (4) adopt regulations to provide a reasonable opportunity for subsistence uses.

Reasonable opportunity is defined to mean “an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.” AS 16.05.258(f). It is not to be construed as a guarantee of success.

The amount of the harvestable portion of the game population that is reasonably necessary for subsistence uses will depend largely on the amount of the game population used for subsistence historically and the number of subsistence users expected to participate. This may require the Board to determine which users have been taking game for subsistence purposes, and which ones have not. Once the Board has determined the amount reasonably necessary for subsistence uses, the Board should by regulation provide an opportunity that allows the predicted number of normally diligent participants a reasonable expectation of success in taking the subject game. The Board may base its determination of reasonable opportunity on all relevant information including past subsistence harvest levels of the game population in the specific area and the bag limits, seasons, access provisions, and means and methods necessary to achieve those harvests, or on comparable information from similar areas.

If the harvestable portion of the game population is not sufficient to provide for subsistence uses and any other consumptive uses, the Board is required to eliminate non-subsistence uses in order to provide a reasonable opportunity for subsistence uses. If the harvestable portion of the game population is still not sufficient to provide a reasonable opportunity for all subsistence uses, the Board is required to eliminate non-subsistence consumptive uses and distinguish among the subsistence users based on the following Tier II criteria:

- (1) The customary and direct dependence on the game population by the subsistence user for human consumption as a mainstay of livelihood; and
- (2) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated. AS 16.05.258.

In general, intensive management: Under AS 16.05.255 (e), (f) and (g), the Board should assure itself that the steps outlined below have been followed when acting on proposals dealing with ungulate populations.

First - Determine whether the **ungulate** population is **important for high levels of human consumptive use**. The Board has already made many of these determinations. *See* 5 AAC 92.108. However, these past findings do not preclude new findings, especially if based on new information.

– If so, then subsequent intensive management analysis may be required.

– If not, then no further intensive management analysis is required.

Second - Is the ungulate population **depleted** or will the Board be **significantly reducing the taking** of the population? *See* 5AAC 92.106(5) for the Board's current definition of "significant" as it relates to intensive management.

The Board must determine whether depletion or reduction of productivity, or Board action, is likely to cause a significant reduction in harvest.

- If either is true, then subsequent intensive management analysis is required.
- If not, then further intensive management analysis is not required.

Third - Is intensive management appropriate?

(a) If the population is depleted, has the Board found that consumptive use of the population is a preferred use? Note that the Legislature has already found that “providing for high levels of harvest for human consumption in accordance with the sustained yield principle is the highest and best use of identified big game prey populations in most areas of the State ...” In the rare cases where consumptive use is not a preferred use, then the Board need not adopt intensive management regulations.

(b) If consumptive uses are preferred, and the population is depleted or reduced in productivity so that the result may be a significant reduction in harvest, the Board must consider whether enhancement of abundance or productivity is feasibly achievable using recognized and prudent active management techniques. At this point, the Board will need information from the department about available recognized management techniques, including feasibility. If enhancement is feasibly achievable, then the Board must adopt intensive management regulations.

(c) If the Board will be significantly reducing the taking of the population, then it must adopt, or schedule for adoption at its next meeting, regulations that provide for intensive management *unless*:

1. Intensive management would be:
 - A. Ineffective based on scientific information;
 - B. Inappropriate due to land ownership patterns; or
 - C. Against the best interests of subsistence users;

Or

2. The Board declares that a biological emergency exists and takes immediate action to protect and maintain the population and also schedules for adoption those regulations necessary to restore the population.

Comments on Individual Proposals

Proposal 80 would amend 5 AAC 92.061 to adjust the U8 brown bear permit allocations in DB101 – DB193, to **no more than .35%** of the tags in an individual hunt. This is about one-third of one percent of the permits. If the intent is to be “no more than 35%” the proposal would need to be amended.

Note on proposals related to hunting in State Parks

The following State Park regulations should be considered when addressing Proposals 90, 92 through 95, 97 through 99, and 103:

11 AAC 18.010. Special park use permits. (a) No person may promote, organize, or engage in any of the following activities in a state park without a permit: (1) an organized or promoted assembly of more than 20 persons; (2) any promotional or entertainment event, including an organized athletic event, competitive recreational event, or spectator event, whether or not an admission fee is charged; (3) camping within a developed campground for longer than 15 consecutive days in a calendar year or longer than the period designated by the director for the site or area in which the camp is made; (4) *constructing or placing an improvement, structure, or property within a park, including a sign (with the exception of a state regulatory marker), fixture, shelter or cabin, personal property, road, trail, excavation, fill, or buttress*; (5) discharging explosives; (6) conducting exploration, scientific research, or information collection activities requiring authorization under 11 AAC 12.170 and 11 AAC 12.175; (7) commercial activities described in 11 AAC 12.300 and 11 AAC 12.990; (8) using a state park for recurring or permanent motorized access, including aircraft landings and takeoffs across land or water closed to motorized use, to land not owned or controlled by the state; (9) occupying a campsite with more than the allowed number of vehicles; (10) *uses limited or prohibited by the director under 11 AAC 12 or 11 AAC 20*; and (11) any other incompatible use as defined under regulation or that does not otherwise have lawful recreation as its primary purpose. (b) For a permit required under this section, a fee must be paid if required under 11 AAC 05.170(b)(4). However, nothing in this section limits the department's authority to charge other applicable fees under 11 AAC 05.170. (Italics added.)

11 AAC 18.025. Procedure. (a) An applicant shall complete and file an application form provided by the division for a park use permit at the office of the division nearest the location of the intended activity, and must provide the following information: (1) name of each individual or company responsible for the use intended; (2) permanent address and local address, including residence and mailing addresses, of each person, owner, and company responsible for the use, service, or activity intended; (3) current phone numbers of each company and individual providing services in a state park; (4) in the case of commercial operators, a photostatic copy of a current photo identification card such as a driver's license, that includes the date of birth and a written physical description; (5) in

the case of fishing guides, a photostatic copy of a valid Alaska sport fishing license; and (6) physical descriptions and license numbers of each vehicle used in a state park. (b) The director shall respond within 30 days to a written application made under this section, except that, for permits requiring multi-agency review, the division's response time may be delayed by other review periods beyond its control. (c) The director may, upon proper application, issue a permit for activities described in 11 AAC 18.010(2) - (11) if he or she determines that (1) park facilities and natural and cultural resources will not be adversely affected; (2) the state park is protected from pollution; (3) public use values of the state park will be maintained and protected; and (4) the public safety, health, and welfare will not be adversely affected. (5) Repealed 12/27/2012.

11 AAC 12.190. Firearms and other weapons. (a) A person may not discharge a weapon within a state park except as provided by this section, AS 41.21, 11 AAC 20, or 11 AAC 21. (b) A person may discharge a weapon within a shooting range established by the director, subject to the rules posted for that shooting range. (c) A certified bowhunter may discharge a bow and arrow in a state park in an area otherwise closed to the discharge of weapons for the purpose of lawful hunting except that a person may not discharge a bow and arrow within 300 feet of a developed facility, within the areas specified in (d)(2) - (7) of this section, or as otherwise provided by AS 41.21, 11 AAC 20, or 11 AAC 21. (d) Notwithstanding (c) of this section, a person may discharge a weapon in a state park for the purpose of lawful hunting or trapping, except that *a person may not discharge a weapon in a state park as follows: (1) within one-quarter mile of a developed facility or as otherwise provided by this section, AS 41.21, 11 AAC 20, or 11 AAC 21; (2) in Chilkoot State Trail; (3) in Chugach State Park within one-half mile of the Seward Highway; (4) in Chugach State Park within the following drainages: (A) Eklutna River excluding the east fork of Eklutna River and Thunderbird Creek above Thunderbird Falls; (B) Eagle River and all tributary drainages downstream from the confluence of Icicle Creek and Eagle River located in Section 25, T13N, R1E, Seward Meridian; (C) all forks of Campbell Creek; (D) Rabbit Creek; (E) McHugh Creek; and (F) Rainbow Creek; (5) in Denali State Park within one-quarter mile south or east of the Parks Highway or within one-half mile of the trail around Byers Lake; (6) in the Kenai River Special Management Area below Skilak Lake except that a person may, for the purpose of lawful waterfowl hunting, discharge a shotgun below Skilak Lake from September 1 through April 30; (7) in the Kenai River Special Management Area between Kenai Lake and Skilak Lake. (Italics added.)*

Proposal 90 would amend 5 AAC 85.015 and 92.530 to establish a primitive weapons hunt or any weapons hunt for black bear in the West Fork of the Eagle River drainage in GMU 14C, all drainages in South Fork Eagle River excluding within ½ mile of a developed facility. A permit would be required from State Parks.

Proposal 91 would amend 5 AAC 85.015 and 92.530 to add bow and arrow to means of take for DL455 black bear hunt in GMU 14C JBER. The State and JBER cooperate

regarding methods and means, seasons, and number of permits to be issued. JBER requires base orientation and weapons proficiency, and may restrict hunting and access on the base consistent with its military activities.

Proposal 92 would amend 5 AAC 85.015 and 92.530 to add bow and arrow to means of take for DL457 black bear hunt in GMU 14C McHugh Creek. A permit would be required from State Parks.

Proposal 93 would amend 5 AAC 85.015 and 92.530 to add bow and arrow to means of take for the DL455 black bear hunt in GMU 14C JBER and DL457 McHugh Creek. The State and JBER cooperate regarding methods and means, seasons, and number of permits to be issued. JBER requires base orientation and weapons proficiency, and may restrict hunting and access on the base consistent with its military activities. A permit would be required from State Parks for the McHugh Creek area.

Proposal 94 would amend 5 AAC 85.015 and 92.530 to add a new archery only black bear drawing hunt in GMU 14C McHugh Creek, weekdays Sept. 1 – May 31. A permit would be required from State Parks.

Proposal 95 would amend 5 AAC 85.015 and 92.530 to add a new resident only archery registration black bear hunt in JBER and McHugh Creek, weekdays Sept. 1 – May 31. A permit would be required from State Parks for McHugh Creek. The State and JBER cooperate regarding methods and means, seasons, and number of permits to be issued. JBER requires base orientation and weapons proficiency, and may restrict hunting and access on the base consistent with its military activities.

Proposal 96 would amend 5 AAC 85.015 and 92.530 to add a new archery only black bear registration permit hunt on JBER, only for hunters who draw an archery moose permit, valid while moose draw permit is valid. The State and JBER cooperate regarding methods and means, seasons, and number of permits to be issued. JBER requires base orientation and weapons proficiency, and may restrict hunting and access on the base consistent with its military activities. Further, if availability of the black bear registration permits is restricted to only those hunters who successfully draw a moose permit, there may be a challenge under the equal access provisions of the Alaska Constitution.

Proposal 97 would amend 5 AAC 85.020 and 92.530 to add primitive weapons hunt or any weapons hunt for brown bear hunt in GMU 14C South Fork Eagle River, Oct. 1 - 31. A State Park permit would be required.

Proposal 98 would amend 5 AAC 85.020 and 92.530 to add hunt a brown bear hunt in GMU 14C Rainbow Creek drainage. A State Park permit would be required.

Proposal 99 would amend 5 AAC 85.020 and 92.530 to add a new archery only brown bear drawing hunt in McHugh Creek in GMU 14C, for residents and nonresidents, weekdays Sept. 1 – May 31. A State Park permit would be required.

Proposal 100 would amend 5 AAC 85.020 and 92.530 to add a new archery only brown bear drawing hunt in JBER, one every four years, resident and nonresident, weekdays Sept. 1 – May 31. The State and JBER cooperate regarding methods and means, seasons, and number of permits to be issued. JBER may require base orientation and weapons proficiency, and may restrict hunting and access on the base consistent with its military activities.

Proposal 103 would amend 5 AAC 85.015, 85.020, 92.044, and 92.530 to allow one black and brown bear bait station in the McHugh Creek Drainage, May 1 – June 15, up to six certified users can use the one bait station. A State Park permit would be required authorizing discharge of a weapon and allowing placement of a bait station.

Proposal 107 would amend 5 AAC 92.540(5)(b) to allow an exemption to the motorized vehicles prohibition in the Lower Kenai CUA in GMU 15C for veterans with a service-connected disability of 50% or more.

Proxy hunting is authorized under AS 16.05.405 for residents who are blind, physically or mentally disabled as defined in AS 16.05.940(25) and (26), or over age 65. By statute, a “person with physical disabilities” requires written proof of at least a 70% disability.

A person with a disability may be entitled to a methods and means exemption to provide reasonable accommodation for the individual under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* Federal ADA Title II regulations require the state to provide reasonable modifications to programs to provide access for persons with disabilities, if the modifications do not alter the fundamental nature of the program. (28 CFR 35.130(b)(7), 28 CFR 35.150).

To comply with ADA requirements, the board adopted 5 AAC 92.104 for addressing individual requests for methods and means exemptions for persons with disabilities. Requests are handled on a case by case basis by the department, considering both the individual and the activity, and to ensure modifications do not alter the fundamental nature of the program.

Proposal 161 would direct the department to conduct a feasibility study for transporting Sitka blacktail deer to GMU 15C, south of Kachemak Bay. The Board lacks administrative and budgetary authority but may request that the department consider such a study. This is not a regulatory action.

Proposals 171 and 172 would amend 5 AAC 92.052 to implement local reporting of sea duck harvests. The Board should consider the significant federal involvement under the Migratory Bird Treaty Act, and whether any burden placed on the department would be consistent with the Board's lack of administrative and budgeting authority.

Proposal 200 would amend 5 AAC 85.045 to create a moose hunt for persons over age 65, with no proxy hunting allowed, September 26-30.

Under State law, there is no statutory authority to create a hunt limited to persons over age 65. Statutes provide authority to distinguish between hunters based on age for certain specific purposes: A permanent license for hunting, trapping, and sport fishing may be issued to a resident age 60 or older. AS 16.05.400. There are laws allowing methods and means exemptions for persons with disabilities, and proxy hunting is authorized under AS 16.05.405 for residents who are blind, physically or mentally disabled, or over age 65. Youth hunts are expressly authorized in AS 16.05.255.

Under Federal law, the Age Discrimination Act generally prohibits discrimination based on age unless

(A) such action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any *statutory* objective of such program or activity; or
(B) the differentiation made by such action is based upon reasonable factors other than age. (42 USC 6103)

If a program provides special benefits for the elderly or children, the benefits may be considered necessary to the normal operation of a program. Factors to be considered include the rationale for the special benefits, the effect on other individuals, and other relevant factors.

Proposal 203 would amend 5 AAC 85.045 to create a restricted weapons moose drawing hunt in GMU 14C in Kincaid Park for persons with a physical disability, as defined in AS 16.05.940(26).

The Board has the statutory authority under AS 16.05.255(a)(3) to adopt regulations on methods and means for hunting by persons with at least 70% physical disabilities, and adopted 5 AAC 92.104 to authorize methods and means exemptions. A special hunt season, created solely for physically disabled hunters, may be subject to challenge absent specific statutory authority. For example, special hunt seasons for youth are authorized in AS 16.05.255(i).

In addition, Kincaid Park is owned and managed by the Municipality of Anchorage and is subject to ordinances restricting uses within municipal parks. AMC 25.70.060 provides in part:

AMC 25.70.060 – Activities prohibited in parks.

...

Q. No person shall discharge a firearm or shoot a bow and arrow in a park except in areas designated by the director, where there is no reasonable likelihood of jeopardy to people, domestic animals, or property.

Proposal 209 would reallocate four permits each, from elk drawing permit hunts DE715, DE717, DE721, and DE723 to resident registration hunts, with eight permits available for pick up in Ouzinkie and eight in Port Lions. The Board may wish to adopt findings to provide guidance to the department on how the registration permits are to be allocated.

Department of Public Safety

DIVISION OF ALASKA WILDLIFE TROOPERS
Office of the Director

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THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

March 3, 2023

Chairman Jerry Burnett
Alaska Board of Game
P.O. Box 115526
Juneau Ak, 99811-5526

Dear Chairman Burnett,

The following comments give a brief description of the positions that the Department of Public Safety, Division of Alaska Wildlife Troopers have on the proposals that are up for consideration at the March 2023 meeting in Soldotna.

In general, when the board considers seasons and or bag limit changes, the Alaska Wildlife Troopers request that every effort possible be made to align the season dates and bag limits with adjacent game management units and/or subunits. This is mainly due to enforceability of multiple seasons in multiple locations as well as consistency of the regulations for the public. When the board considers proposals having to do with allocation or biological concerns, AWT is generally neutral in position.

AWT recognizes that regulations are developed by the Alaska Boards of Fish and Game through the public process to support management plans. Further, all management plans rely upon public compliance with regulations to achieve success. Enforcement is a crucial element needed to ensure long-term compliance with regulations by the public. The Alaska Wildlife Troopers request the board recognize that the division has limited resources and manpower and any new regulation scheme or area restrictions may place an additional burden on AWT.

Comments on specific proposals are included in this letter.

Thank you for your time,

A handwritten signature in blue ink, appearing to read "Chris E. Jaime".

Lieutenant Christopher E. Jaime
Alaska Wildlife Troopers

PROPOSAL 65

AWT is neutral with this proposal, there are no enforcement or public safety concerns. However, if passed, this would increase the complexity of the Kodiak goat hunting regulations by creating a separate season, separate hunt area, and a separate bag limit for this area. Increased complexity is always a challenge for resource users and enforcement alike, however, the regulations themselves would not be any less enforceable than the regulatory scheme already in place. AWT does have concerns with using the DB107 boundary as suggested in the proposal for this new goat area. Potential enforcement challenges exist when goat area boundaries are based off ridgelines as opposed to river drainages.

If adopted, AWT recommends the unit boundaries be modified to use drainages instead of ridgelines.

PROPOSAL 74

AWT is in support of this proposal and all proposals that assist in the enforcement of salvage requirements. Meat on bone requirements not only aid in preventing spoilage, but also is a deterrent for failing to salvage all edible meat. Having this requirement aids in the enforcement of salvage requirements and makes it easier to match up all the animal's parts. AWT would recommend all four quarters on the bone; backstraps, tenderloins, ribs and neck meat may be removed.

Additionally, we suggest the language "until processed at a land-based location" be removed and substituted with "...until the meat has been transported from the field or is processed for human consumption", again, to mirror the language already used in **5AAC92.220(d)** and to eliminate any confusion about whether this proposal as it is currently written would make it illegal for hunters to consume part of their deer while in camp or on a vessel.

PROPOSAL 98

AWT is neutral on this proposal as it pertains to enforcement, however the Rainbow Creek Drainage is a popular hiking area with limited access. The interaction between hunter and hikers in the Drainage may result/turn into a public safety concern.

PROPOSAL 99

AWT is neutral on this proposal as it pertains to enforcement, however the McHugh Creek Drainage is a popular hiking area with limited access. The interaction between hunter and hikers in the Drainage may result/turn into a public safety concern.

PROPOSAL 103

AWT is opposed to the creation of this hunt due to McHugh Creek's proximity to Anchorage and the large number of hikers which frequent the area. By allowing bear baiting stations in this drainage, it will lure more bears to the area and increase the frequency of wildlife-human encounters. Additionally, this terrain would make it extremely difficult to be a quarter mile from the maintained trail system.

PROPOSAL 106

AWT supports the deletion of motorized vehicle restrictions in 15C. Enforceability has always been an issue with the regulation. The Lower Kenai Controlled Use Area adds complexity to the hunting regulations on the Kenai Peninsula, AWT supports consistency throughout GMU 15.

PROPOSAL 123

AWT is neutral on this proposal, however if the Board adopts this proposal AWT would encourage consistent dates within GMU15 which would alleviate confusion and assist with enforceability. Currently in GMU 15A and 15B the regulations allow for a *Bow and Arrow only* hunts from August 22 – August 29.

PROPOSAL 143

AWT opposes this proposal, this will increase public safety concerns of introducing high powered rifles into residential/semi-residential structures. Additionally, allowing bear baiting in such proximity to structures will inevitably lure more bears which may increase wildlife-human interactions. Additionally, this proposal would be inconsistent with statewide regulations.

PROPOSAL 144

AWT supports the Board defining the terms “Developed Recreation Facility” and “Permanent Dwelling”. However, AWT does not support the suggested definitions. This proposal’s definition of “Developed Recreational Facility” is onerous and neglects facilities maintained by other entities (i.e. USFS, USF&W, Private Campgrounds etc.). This proposal’s definition for “permanent Dwelling” with the stipulation of being “occupied for a minimum of 30 days” would be unenforceable.

PROPOSAL 147

AWT is opposed to this proposal due to the lack of enforceability. Ski trails / multi-use trails change as the season progresses. The 100-foot setback would be very difficult to enforce, AWT does not maintain detailed maps of “established public trails”. This regulation would essentially allow a “Club” to dictate areas closed to trapping based on large scale maps which have not been surveyed.

PROPOSAL 160

AWT opposes this proposal due to the enforceability and the additional regulatory changes along with definitions this would require. AWT asks the Board to establish if the lodge may only have one set around it or if the trapper can only have one set at a lodge. If adopted Board should clearly define what “one set” is or limit number of traps/snares that can be set.

Additional Proposals Added to the Southcentral Region Meeting Agenda

PROPOSAL 204

5 AAC 85.055. Hunting seasons and bag limits for Dall sheep.

Close resident and nonresident hunting for Dall sheep in Unit 19C, for five years as follows:

Units & Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(4)		
Unit 19(C) RESIDENT HUNTERS: 1 ram with full-curl horn or larger, by youth hunt only; or	<u>No Open Season</u> [AUG. 1 - AUG. 5]	
1 ram with full-curl horn or larger; or	<u>No Open Season</u> [AUG. 10 - SEPT. 5]	
1 sheep with 3/4-curl horn or less; the take of rams with both horns broken, lambs, or ewes with lambs, is prohibited; by registration permit only	<u>No Open Season</u> [OCT 1 – APRIL 30 (Subsistence hunt only)	
NONRESIDENT HUNTERS: 1 ram with full-curl horn or larger, every 4 regulatory years, by youth hunt only; or		<u>No Open Season</u> [AUG. 1 - AUG. 5]
1 ram with full-curl horn or larger, every 4 regulatory years		<u>No Open Season</u> [AUG. 10 - SEPT. 20]
...		

The closure will expire after five years, and the hunts will open for the 2028/2029 regulatory year.

What is the issue you would like the board to address and why? During the November 17, 2022, Board of Game (board) meeting, the board agreed to generate a proposal to close sheep hunting to residents and nonresidents in Unit 19C for five years, to be scheduled for consideration at the March 2023 board meeting.

The impetus for the proposal follows public input at the March 2022 board meeting expressing concern about sheep populations in multiple areas of the state, and recent survey and harvest information provided to the board by the Department of Fish and Game at the October 19, 2022, informational meeting on Dall sheep, indicating a decline in population and harvest. The board expressed interest in hearing more details from the department at the March 2023 meeting upon consideration of the proposal.

PROPOSED BY: Alaska Board of Game (HQ-F22-BG1)

Note: Proposal 205 was accepted by the Board of Game as an Agenda Change Request for consideration at the Southcentral Region meeting scheduled for March 2023.

PROPOSAL 205

5 AAC 85.045. Hunting seasons and bag limits for moose.

Change the Unit 19C moose hunt for nonresidents from a registration permit to a drawing permit, with up to 20 permits available as follows:

Change the nonresident permit from RM653 for moose (legal bull) to a drawing permit for 20 total nonresident permits. In my 25 plus years of hunting, this area has seen a steady decline in the moose population. For example: Alaskans harvested 54 moose and nonresidents harvested 45 moose in the RM653 hunt area for 2022.

What is the issue you would like the board to address and why? Limit nonresident hunters to increase the bull-to-cow moose ratio for Alaskans.

Limit the number of nonresident moose hunters to 20 for a drawing hunt in the RM653 registration hunt area.

As a long-time Alaskan who depends on moose to sustain my family, the sheer number of nonresident hunters is severely impacting our success. Example: 2022 season, 45 moose killed by nonresidents, 54 moose harvested by residents in the RM653 hunt area.

The bull-to-cow ratio is dropping at a drastic rate. In my 25 plus years hunting the RM653 hunt area, the cow/bull ratio has declined in my observation. The bull-to-cow moose ratio will decline further, and my family will no longer be able to harvest our moose meat in RM653 hunt area, which we have done for over 25 years!

My request is to sustain a healthy bull-to-cow moose ratio for Alaskan families to harvest their winter supply of moose meat.

In 2022, Alaskans killed 54 bull moose in the RM653 hunt area, 45 bull moose were killed by nonresidents in the RM653 hunt area. In my 25 years hunting the RM653 hunt area, the past several seasons, I have seen an obvious decrease in bulls (legal moose) to harvest as a family. Counting on the Board of Game to ensure that Alaskans like myself can ensure our harvest of moose meat in this area.

Been harvesting moose in RM653 hunt area for over 25 years. Myself, and other Alaskans who depend on moose meat for the winter have seen an obvious decline in success due to the sheer numbers of hunters in the area. Limiting the nonresidents would absolutely aid in Alaskans like myself to have a better chance to harvest our moose for the winter

PROPOSED BY: Robert McCaffrey, Lori McCaffrey, Paige McCaffrey, Chad McCaffrey, Chris Diltz, Jerry Diltz, Joey Diltz, Brian Wilson, Grant Sullivan, Ben Eaton, Barb Eaton, Pat Nolde, and Julie Nolde. (HQ-F22-ACR6)

Note: Proposal 206 was accepted by the Board of Game as an Agenda Change Request for consideration at the Southcentral Region meeting scheduled for March 2023.

PROPOSAL 206

5 AAC 92.124 Intensive Management Plans VIII.

Reauthorize the Unit 21E Intensive Management Plan as follows:

(a) Plans established. Intensive management plans for the following areas are established in this section:

(b) Unit 21(E) Predation Control Area.

...
(6) time frame is as follows:

(A) through **June 30, 2024** [JUNE 30, 2023], the commissioner may authorize removal of wolves and black and brown bears in Unit 21(E);

...

WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?

The current Unit 21E intensive management (IM) plan will expire on June 30, 2023, which is out of cycle with the Region III (Interior and Eastern Arctic Region) regular Board of Game meeting. Due to Covid-19, the regularly scheduled Region III meeting was shifted by one year, and this IM plan is now out of sync with that cycle. This proposal will bring the IM plan back into alignment with the regularly scheduled board meetings for this area.

The IM plan has never been active and is in place only as a proactive measure if the population were to decline. Currently, the moose population is within the IM objectives. If not adopted, the IM plan will expire, and the department will be unable to implement the plan if the moose population were to decline.

PROPOSED BY: Alaska Department of Fish & Game (HQ-F22-ACR10)

Note: Proposal 207 was accepted by the Board of Game as an Agenda Change Request for consideration at the Southcentral Region meeting scheduled for March 2023.

PROPOSAL 207

5 AAC 85.025(a)(8). Hunting seasons and bag limits for caribou.

Establish a Tier II hunt for Nelchina caribou in Unit 13 as follows:

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
Unit 13		
<u>X caribou by Tier II subsistence hunting permit only; up to XXX permits may be issued; or</u>	<u>Specify season (Subsistence hunt only)</u>	<u>No open season.</u>
up to 2 caribou per harvest report per regulatory year by community harvest permit only; up to 400 caribou may be taken; or	Aug. 10 - Sept. 20 (Subsistence hunt only) Oct. 21 - March 31 (Subsistence hunt only)	No open season.
up to 2 caribou every regulatory year by Tier I subsistence permit only; or	Aug. 10 - Aug. 31 (Subsistence hunt only) Oct. 21 - March 31 (Subsistence hunt only)	No open season.
up to 2 caribou every regulatory year by Tier I subsistence permit only; or	Sept. 1 - Sept. 20 (Subsistence hunt only) Oct. 21 - March 31 (Subsistence hunt only)	No open season.
1 caribou every regulatory year by youth hunt drawing permit; up to 200 permits may be issued; or	Aug. 1 - Aug. 5	No open season.
1 caribou every regulatory year by drawing permit; up to 5,000 permits may be issued;	Aug. 20 - Sept. 20 Oct. 21 - March 31	No open season.

1 bull every regulatory year
by drawing permit; up to 200
permits may be issued when
the herd is at or above popula-
tion objectives;

Aug. 20 - Sept. 20

WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?

Establish a Tier II hunt in regulation for Nelchina caribou in Unit 13 as required by statute in case a Tier II hunt is needed to further restrict the take of this game population to meet sustainable yield and subsistence use mandates.

The Nelchina caribou herd has a positive customary and traditional (C&T) subsistence use finding in Game Management Units 12 and 13 with an amount reasonably necessary for subsistence (ANS) of 600-1,000 caribou. It is possible that the harvestable surplus may fall below the low end of the ANS range, which means harvestable surplus may not be enough to provide a reasonable opportunity for all residents to participate in hunts that provide caribou for subsistence uses (Tier I registration and Community Subsistence Harvest). Existing regulations do not include a Tier II hunt which is the next legal step according to state subsistence law at AS 16.05.258 (b)(4), which directs that the Board of Game must limit participation by eliminating all consumptive uses other than subsistence uses and distinguish among subsistence users by applying the criteria in AS 16.05.258.

The low population numbers are an unforeseen, unexpected event that potentially restricts a reasonable opportunity for C&T uses of the Nelchina caribou herd. Existing regulations do not include the tools for the department to limit participation in the Nelchina caribou subsistence hunt as required when the harvestable portion of the population is below the low end of the ANS range, which is 600-1,000 caribou. When the existing regulations were created, the herd was above population objectives and the need for a Tier II hunt in 5 AAC 85.025 was not present; as a result, no such hunt was included in the existing hunt structures. The herd is currently under population objective. It is anticipated that a reasonable opportunity to engage in subsistence uses may not be provided to all eligible residents.

If the problem is not solved, state subsistence opportunity for the Nelchina caribou herd will be compromised. If the harvestable surplus is below the low end of the ANS, the state subsistence law states that opportunity shall be allocated according to Tier II criteria. If there is no Tier II regulation, then the department does not have the authority to distinguish among subsistence users and will be required to close all opportunity (all existing hunts) until the Board of Game can take action. However, unless the population numbers change, even with expedited regulations subsistence users could miss an entire hunting season.

The board will need to determine appropriate seasons, bag limits, and the maximum number of Tier II subsistence permits that can be issued for the Tier II hunt.

PROPOSED BY: Alaska Department of Fish & Game (HQ-F22-ACR11)

Note: Proposal 208 was accepted by the Board of Game as an Agenda Change Request for consideration at the Southcentral Region meeting scheduled for March 2023.

PROPOSAL 208

5 AAC 85.055. Hunting seasons and bag limits for Dall sheep.

Modify the nonresident drawing permit allocation for Dall sheep in Unit 14C as follows:

I prefer the Department of Fish and Game convert the permits of the original proposal to second degree kindred (2DK) that the board adopted and issue at least one permit for each of the four rifle permit areas. They are: Unit 14C Northwest, 14C Northeast, 14C Upper Eagle River and 14C Southwest.

What is the issue you would like the board to address and why? The Board of Game passed Proposal 149 that I submitted at the statewide meeting in March of this year. The proposal was to create a separate draw for 2nd degree of kindred (2DK) hunters for sheep where there was an allocation for nonresidents. In Unit 14C the proposal was to take DS236 Ship Creek and convert it to a 2DK permit. The Ship Creek unit has the largest sheep population and the best access, and this permit is at the start of the season. It has a total of three nonresident permits in all. One for each of the three 13-day seasons with eight resident permits in each season.

The department instead converted DS224 in the Hunter Creek unit into the 2DK permit which is now DS024. This is the only nonresident permit for the Hunter Creek unit for the year and now guides have no access to this area at all for nonresidents. I have no idea why the department did this. The department also eliminated DS233 in the Eagle River unit and it was the only nonresident permit in that unit. Now there is no nonresident permits at all in this unit. Losing these two permits and access to these areas is devastating for guides in this unit. These two units generally have the largest sheep in them.

I proposed the regulation back in the mid-2000's that the board adopted, that limits nonresidents to 13.5% of the total number of permits issued in Unit 14C for sheep. It is supposed to be implemented so there is at least one permit in each of the units every year for nonresidents. That is the way it was implemented until this year w

The department also did not convert one of the three DS240 archery only nonresident permits to a 2DK only permit. I can understand their thinking on this because it would be above the 20% max threshold for these four permits, but I think it should still implemented.

I think there is an error in how the regulation was implemented and not issuing the Archery only 2DK permit.

I think the regulation was not implemented properly as the board had adopted it.

I think the request identifies an unforeseen, unexpected resource situation where a biologically allowable harvest would be precluded by delayed regulation action, and such delay would be burdensome because the resource would be unavailable in the future because the older full curl sheep might die in the winter or get harvested without guides having access to hunt them. The permits can't be allocated the next year and there is no opportunity for guides to make up for this lost opportunity.

PROPOSED BY: Dan Montgomery

(HQ-F22-ACR13)

PROPOSAL 209

5 AAC 85.035. Hunting seasons and bag limits for elk.

5 AAC 92.050. Required permit hunt conditions and procedures.

Reallocate four permits each, from elk drawing permit hunts DE715, DE717, DE721, and DE723 to resident registration hunts, with 8 permits available for pick up in Ouzinkie and 8 in Port Lions as follows:

Units & Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(2)		
Unit 8, Raspberry Island 1 bull elk by drawing permit only; up to 100 permits will be issued	Oct. 1-Oct. 22 (General hunt only)	Oct. 1-Oct. 22
1 antlerless elk by drawing permit only; up to 200 permits will be issued	Oct. 23-Nov. 30 (General hunt only)	Oct. 23-Nov. 30
Unit 8, Southwest Afognak, that portion of Afognak Island and adjacent islands south and west of a line from the head of Back Bay (58° 05.3'8 N. lat., 152 ° 45.7' W. long.) to Hatchery Peak (58 ° 07.2' N. lat., 152 ° 47.5' W. long.), to the head of Malina Bay (58 ° 09.3' N. lat., 152 ° 51.0' W. long.)		
1 elk by drawing permit only; up to 500 permits will be issued	Sept. 25 - Oct. 22 (General hunt only)	Sept. 25 - Oct. 22
1 elk by registration permit only	Oct. 23 - Nov. 30 (General hunt only)	Oct. 23 - Nov. 30
Unit 8, Eastern Afognak, that portion of Afognak Island east of the main north-south log-		

ging road (1100 road) from the Danger Bay logging camp at 58 ° 08.2' N. lat., 152 ° 32.98 W. long., north to its terminus at Discoverer Bay at 58 ° 19.6' N. lat., 152 ° 21.8' W. long., and adjacent islands west of Marmot Strait

1 elk by drawing permit only; up to 500 permits may be issued; <u>or</u>	Sept. 25 - Oct. 22 (General hunt only)	Sept. 25 - Oct. 22
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<u>1 elk by registration permit only; or</u>	<u>Sept. 25 – Oct. 22 (General hunt only)</u>	<u>No open season.</u>
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1 elk by registration permit only	Oct. 23 - Nov. 30 (General hunt only)	Oct. 23 - Nov. 30
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Remainder of Unit 8

1 elk by drawing permit only; up to 500 permits may be issued; <u>or</u>	Sept. 25 - Oct. 22 (General hunt only)	Sept. 25 - Oct. 22
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<u>1 elk by registration permit only; or</u>	<u>Sept. 25 – Oct. 22 (General hunt only)</u>	<u>No open season.</u>
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1 elk by registration permit only	Oct. 23 - Nov. 30 (General hunt only)	Oct. 23 - Nov. 30
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5 AAC 92.050. Required permit hunt conditions and procedures.

(a) The following conditions and procedures for permit issuance apply to each permit hunt:

...
(4) permit issuance:

...
(J) four resident registration permits for the early season elk hunt in Unit 8, Eastern Afognak, that portion of Afognak Island east of the main north-south logging road (1100 road) from the Danger Bay logging camp at 58 ° 08.2' N. lat., 152 ° 32.98 W. long., north to its terminus at Discoverer Bay at 58 ° 19.6' N. lat., 152 ° 21.8' W. long., and adjacent islands west of Marmot Strait; and four resident registration permits for the early season elk hunt

in the remainder of Unit 8 will be made available in Ouzinkie; and four resident registration permits for the early season elk hunt in Unit 8, Eastern Afognak, that portion of Afognak Island east of the main north-south logging road (1100 road) from the Danger Bay logging camp at 58 ° 08.2' N. lat., 152 ° 32.98 W. long., north to its terminus at Discoverer Bay at 58 ° 19.6' N. lat., 152 ° 21.8' W. long., and adjacent islands west of Marmot Strait; and four resident registration permits for the early season elk hunt in the remainder of Unit 8 will be made available in Port Lions; the number of elk drawing permits issued will be reduced accordingly for drawing hunts in those areas during those seasons;

What is the issue you would like the board to address and why? During the January 2023, Southeast Region Board of Game (board) meeting, the board agreed to generate a proposal to reallocate elk drawing permit hunts from DE715, DE717, DE721, and DE723, to resident registration hunts, available in the communities of Ouzinkie (eight permits, two from each drawing hunt) and Port Lions (eight permits, two from each drawing hunt). Under the current hunt structure, the Department of Fish and Game exercised its discretionary authority to create early and late hunts in the Eastern Afognak area (DE721/723) and Unit 8 Remainder (DE715/717) for elk drawing hunts.

The board generated proposal is based upon Proposal 199, which the board lacks authority to adopt because it restricts eligibility based upon residence. The board generated proposal removes the eligibility restriction, making permits available for all resident hunters, similar to the musk ox registration hunt on Nelson Island, in Unit 18. The proposal is intended to prevent lost opportunity

The proposal will be considered at the Southcentral Region meeting scheduled for March 17 - 22, 2023.

PROPOSED BY: Alaska Board of Game (HQ-F22-BG2)

Note: The following proposal is scheduled for consideration by the Board of Game at the March 2023, Southcentral Region meeting, per the board's ACR policy, 5 AAC 92.005, which states that if the board accepts an agenda change request, the board will develop and consider proposals for all agenda change requests for those specified regulations. (See Proposal 205 on this topic which was accepted by the board as an agenda change request.)

PROPOSAL 210

5 AAC 85.045 Hunting seasons and bag limits for moose.

Close the Unit 19C moose hunt for nonresidents, and beginning in 2024, allow nonresidents to hunt moose by drawing permit only as follows:

We propose that for 2023 the area be designated resident only, and 2024 the state offers a specific number of permits for out of state individuals.

What is the issue you would like the board to address and why? The number of hunters in Unit 19C is creating a shortage in the moose population and safety issues. The moose are being overharvested. Some groups are bringing in multiple change-outs of hunters, up to 22. In 2022, nearly 200 hunters in the area, around 50% nonresidents. A few of these camps are potentially illegally outfitting, interrupting other hunter's areas and hunts. Unit 19C is crucial for our Alaskan hunters' way of life. It is important that the Alaskan residents are protected and can harvest game for our families.

Unit 19C is a small area, and there are too many moose being taken from. The area has been growing rapidly with new hunters. This is creating issues with over harvest of moose, it is also creating issues with new hunters running into established camps and areas. This is not only creating issues with hunt interruption, but also a major safety concern.

This area originally was designed with a certain bull-to-cow ratio and a specific number of bulls were determined to be able to be harvested without impact of population. Talking to Department of Fish and Game, that number is somewhere around 45 bulls. With the amount of new hunters and much improved transportation in the area (including GPS, better ATVs etc.) the moose harvest has almost doubled.

The moose to hunter ratio would go down (around 50% out of state hunters). This would decrease the number of bulls taken and increase bull-to-cow ratio.

If something is not done to limit the number of moose harvested, the Department of Fish and Game will have to shut down the area.

With the number of bulls being taken, 75-100, the area cannot sustain a healthy moose population.

If the problem is not solved before the regular meeting cycle for this region:

- The Department of Fish and Game may take immediate action and either shorten the season or shut moose hunting down.
- Another year of overharvest, and moose population impact.
- Illegal outfitting in the area will continue.
- Local hunters will continue to have their original hunting areas overrun

- Safety. The number of hunters in a small area could lead to someone getting shot.

The issue in Unit 19C has been progressive and is not getting any better on its own. It is important for moose populations and for Alaskan subsistence hunters.

This is an immediate issue for many reasons. If something isn't immediately done, the moose population will continue to be decimated, the Alaskan subsistence hunters will continue to struggle with new hunters interrupting their hunts and hunting areas, ultimately, the local Department of Fish and Game will shut down the area.

We are a family that has been hunting the area for over 10 years. Our family relies on the moose for our main source of protein during the year. We have started to bring our kids out; it is important that they be able to harvest and enjoy the same as we have. With the current level of moose harvesting there is no way for this tradition to continue.

PROPOSED BY: Houston Morris, David Ansel, Nate Morris, Rosene Brown, Aleasha Ansel,
and Ira Slanoff (HQ-F22-ACR8)

Note: The following proposal is scheduled for consideration by the Board of Game at the March 2023, Southcentral Region meeting, per the board's ACR policy, 5 AAC 92.005, which states that if the board accepts an agenda change request, the board will develop and consider proposals for all agenda change requests for those specified regulations. (See Proposal 205 on this topic which was accepted by the board as an agenda change request.)

PROPOSAL 211

5 AAC 85.045 Hunting seasons and bag limits for moose.

Shorten the resident moose hunting season in Unit 19C, close the moose hunting season for nonresidents, and beginning in 2024, allow nonresidents to hunt moose by drawing permit only as follows:

We are proposing a draw permit for nonresident hunters and shorten the season to 10 days for all hunters from September 8th through September 17th. The ratio of nonresident to resident hunters makes this very hard on residents who rely on this moose resource for their livelihood with this incoming "change in and change out" of hunters that is too frequent in some camps there are as many as 22 hunters changing in and out and others as many as 10. This will limit the number of camps that have frequent change outs with large numbers of hunters coming in. Again, we as residents rely on moose to feed our families. We propose in the interim that in 2023 that there is resident hunting only and no nonresident hunting in Unit 19C RM653 area, then go into draw permit for nonresidents in 2024 season.

What is the issue you would like the board to address and why? Unit 19C, RM653 is overhunted. In 2020, 77 bulls were taken, 2021, 97 bulls were taken, at present (2022) 83 bulls taken, and still 62 people left have to report. This does not include the winter hunt and the natural predators and harsh winters that may come. This Unit 19C RM653 small area cannot maintain moose populations and moose growth with too many hunters. Over 200 hunters in 2022.

This is a small area to be taking that many moose year to year to sustain a healthy and growing population. It has been reported the decrease in this area. The bull-to-cow ratio and the increase in hunters each year into this Unit 19C RM653 area. Over 200 hunters now. Huge impact on moose population. With this comes more garbage left up at the runway and along trails that is not healthy for our wildlife.

The concern is hunter to moose population. More hunters, decline in moose and the bull-to-cow ratio. This decline is steadily dropping and was noted by Department of Fish and Game in McGrath.

Too many hunters and moose reduction will result in little to no moose and the unit and/or moose hunting would have to be closed either temporarily or permanently depending on the studies. Bad for us who rely on this moose resource.

By taking 75-100 bulls each season, you cannot expect to maintain a healthy moose population and maintain a bull-to-cow ratio.

Large healthy mating bulls are declining and will continue decline. I hunted this unit over 30 years and saw the season change from any bull and open until October 10th then reduced to September 25th and then September 20th any bull. Now its September 20th, spike fork or 50" or 4 brow tines.

After all these changes we were getting better bulls it is going backwards again due to the increase in hunters and moose are declining again. I have never seen as many hunters in the RM653 as I have in the last eight years it has greatly increased and this year over 200.

This problem will not correct on its own. It needs to have a change made by Alaska Board of Game to save the moose and our livelihood of this resource. I am a resident of Alaska and have a deep concern for this.

I think this needs to be acted on now before it's too late and moose become almost extinct in this RM653 area.

My wife and I are Alaskan residents and both hunters. This resource is critical to our food supply and it is the best organic meat you can eat. We want our kids and grandkids to have this resource available to them to be able to hunt out here and enjoy this generally quiet, scenic and variety of wildlife to view and hunt. This is someplace to share and watch them provide for their families and who knows maybe for us when we are older and cannot hunt ourselves. At its current level of moose and the decline it will not be around and open or available. We want to preserve the moose integrity.

PROPOSED BY: Donald Ruhoff and Karla Ruhoff

(HQ-F22-ACR7)

Board of Game Findings

The following Board of Game Findings & Policies are related to the topics for the Southcentral Region meeting. All Board of Game Findings can be found online at: <http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.findings>.

Joint Board Petition Policy – 5 AAC 96.625

2013-34-JB - Joint Board Criteria for Development of Board-Generated Proposals

2023-228-BOG – Board of Game Wolf Management Policy

2023-227-BOG – Board of Game Bear Conservation, Harvest and Management Policy

2019-223-BOG – Board Direction to ADF&G for Allocation of Nelchina Caribou Permits

2017-222-BOG – Alaska Board of Game Nonresident Hunter Allocation Policy

2016-213-BOG – Restrictions to Aircraft for Sheep Hunting

2015-211-BOG – Board recommendation to ADF&G provided during the 2015 Southcentral Region meeting.

2013-202-BOG — Board Direction to the Department of Fish and Game Provided during the Southcentral Region Meeting

2012-192-BOG — Subunit 15C Moose - Intensive Management Supplemental Findings

2007-172-BOG – Annual Reauthorization of Antlerless Moose

2004-14-BOG – Resolution Encouraging Public Agencies Signage for Trapline on Public Lands

5 AAC 96.625. JOINT BOARD PETITION POLICY

(effective September 19, 2019)

(a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190--44.62.210, which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. Annually, the boards solicit regulation changes through regulatory proposals described in 5 AAC 96.610(a). Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees, and to other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices and on the boards support section's website. When the proposal books are available, the advisory committees and hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee reports before voting in public session on the proposed changes.

(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions received under (a) of this section can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. It is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency under AS 44.62.250(a). In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. Except for petitions dealing with subsistence hunting or subsistence fishing, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future. Petitions dealing with subsistence hunting or subsistence fishing will be evaluated under these criteria:

- (1) the petition must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under AS 16.05.258; or
- (2) the circumstances of the petition otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority.

(Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126; am 2/23/2014, Register 209; am 9/19/2019, Register 231)

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

2013-34-JB

ALASKA JOINT BOARDS OF FISHERIES AND GAME

CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSAL

It has been suggested that criteria need to be established to guide the Alaska Joint Boards of Fisheries and Game, Board of Fisheries, and Board of Game (boards) members when deliberating on whether or not to develop a board-generated proposal. The boards will consider the following criteria when deliberating the proposed development and scheduling of a board-generated proposal:

1. Is it in the public's best interest (e.g., access to resource, consistent intent, public process)?
2. Is there urgency in considering the issue (e.g., potential for fish and wildlife objectives not being met or sustainability in question)?
3. Are current processes insufficient to bring the subject to the board's attention (e.g., reconsideration policy, normal cycle proposal submittal, ACRs, petitions)?
4. Will there be reasonable and adequate opportunity for public comment (e.g., how far do affected users have to travel to participate, amount of time for affected users to respond)?

Findings adopted this 16th day of October 2013.

Jfe, Jlan
Alaska Board of Game
Vote: 6-0

KWh
Alaska Board of Fisheries
Vote: 7-0

**Findings for the Alaska Board of Game
2012-192-BOG
Subunit 15C Moose
Intensive Management Supplemental Findings
January 18, 2012**

The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and other users of moose in Subunit 15C. These findings are supplemental to the findings set forth in 5AAC 92.108 and 5AAC 92.125.

1. The moose in Subunit 15C has been identified by the Board as a herd that is important for providing high levels of human consumptive use. The Board established an intensive management population objective of 2,500 - 3,500 moose and an intensive management harvest objective of 200 - 350 moose annually for the herd.
2. The population size of the Subunit 15C moose herd is currently estimated to be 2,919 moose (\pm 277) which is within the intensive management population size objective of 2,500 – 3,500 moose.
3. The harvestable surplus of moose in Subunit 15C is currently estimated at about 180 moose, which is less than the harvest objective of 200 – 350. The harvest objective was not achieved in 2011.
4. Low moose calf recruitment has resulted in a reduction in harvestable moose that is predicted to continue without intensive management, and additional hunting restrictions in 2011 further reduced the harvest to only 23 bulls. The bull:cow ratio measured in 2010 and 2011 was 9 bulls and 14 bulls:100 cows respectively and remains below objectives of 20 bulls:100 cows. The decreased moose harvest from Subunit 15C has resulted in a failure to provide for human needs.
5. Recovery of the bull:cow ratio in Subunit 15C to provide adequate harvest will be prolonged unless action is taken to improve calf survival and recruitment.
6. Habitat is not suspected as a limiting factor. Nevertheless, harvest objectives were not achieved in 2011 because of substantial harvest restrictions. Wolf and bear predation have been important causes of mortality in the population. Mortality from predation has contributed to both the problems with calf recruitment and low bull/cow ratios. Objectives are unlikely to be achieved in the foreseeable future unless predator control is conducted.
7. Increases in moose recruitment and abundance in the Subunit 15C population are achievable utilizing the recognized and prudent active management techniques including predator control in combination with recent habitat improvement from forestry practices, wild land fires and land clearing by land owners.

8. Reducing predation can reasonably be expected to help achieve and help maintain a sex and age structure that will sustain the population, provide for harvest, and allow growth toward objectives.

Vote: 7-0
January 18, 2012
Anchorage, Alaska



Cliff Judkins, Chairman
Alaska Board of Game

**Findings of the Alaska Board of Game
2023-228-BOG
BOARD OF GAME WOLF MANAGEMENT POLICY
(Policy duration: Date of finding through July 2028
This policy supersedes BOG policy #2016-215-BOG))**

Background and Purpose

Alaskans are proud that wolves occur throughout their historic range in Alaska. Wolves are important to people for a variety of reasons, including as furbearers, big game animals, competitors for ungulate prey animals, for customary and traditional uses for Alaskans, and as subjects of enjoyment, curiosity, and study. Wolves are important components in the natural functioning of northern ecosystems. Over time, many people have come to appreciate wolves as exciting large carnivores that contribute significantly to the quality and enjoyment of life in Alaska.

The primary purpose of this policy is to provide guidance to the public, the Department, and the Board of Game on wolf management issues as the Board and the Department implement constitutional and statutory direction and respond to public demands and expectations. The Board recognizes the need for ongoing responsible wolf management to maintain sustainable wolf populations and harvests, and to help maintain sustainable ungulate populations upon which wolves are largely dependent. The Board also recognizes that when conflicts arise between humans and wolves over the use of prey, wolf populations may have to be managed more intensively to minimize such conflicts and comply with existing statutes (e.g. AS 16.05.255). Under some conditions, it may be necessary to greatly reduce wolf numbers to aid recovery of low prey populations or to arrest undesirable reductions in prey populations. In some other areas, including national park lands, the Board also recognizes that non-consumptive uses of wolves may be considered a priority use. With proper management, non-consumptive and consumptive uses are in most cases compatible but the Board may occasionally have to restrict consumptive uses where conflicts among uses are frequent.

Wolf/Human Use Conflicts

Conflicts may exist between wolves and humans when priority human uses of prey animals cannot be reasonably satisfied. In such situations, wolf population control will be considered. Specific circumstances where conflicts arise include the following:

1. Prey populations or recruitment of calves into populations are not sufficient to support existing levels of existing wolf predation and human harvest;
2. Prey populations are declining because of predation by wolves or predation by wolves in combination with other predators;
3. Prey population objectives are not being attained; and
4. Human harvest objectives are not being attained.

Wolf Management and Wolf Control

The Board and the Department have always distinguished between wolf management and wolf control. Wolf management involves managing seasons and bag limits to provide for general public hunting and trapping opportunities. These seasons provide for both subsistence and other traditional economic harvest opportunities and, as a side benefit, allow for participants to directly aid in mitigating conflicts between wolves and humans or improving ungulate harvest levels. In most cases trapping seasons will

be kept to times when wolf hides are prime. However, some hunters are satisfied to take wolves during off-prime months including August, September, April, and May. Opportunity may be allowed for such harvest.

Wolf control is the planned, systematic regulation of wolf numbers to achieve a temporarily lowered population level using aerial shooting, hiring trappers, denning, helicopter support, or other methods which may not normally be allowed in conventional public hunting and trapping. The purpose of wolf control is not to eradicate wolf populations. Under no circumstances will wolf populations be eliminated or reduced to a level where they will not be able to recover when control efforts are terminated, and wolves will always be managed to provide for sustained yield.

In some circumstances it may be necessary to temporarily remove a high percentage (>70%) of wolf populations to allow recovery of prey populations. In other situations, it may be necessary to temporarily remove a smaller percentage of wolf populations (40-70%) to allow prey populations to increase or meet human harvest objectives. Once prey population objectives have been met, wolf populations will generally be allowed to increase to or above pre-control levels.

During the 1997 review of predator control in Alaska by the National Research Council of the National Academy of Sciences (National Research Council 1997), only two clearly successful cases were found where increased harvests of ungulates resulted from control in the Yukon and Alaska. In the last 13 years since that review, several other programs have been successful, including programs in GMUs 9, 13, 16 and 19. In addition, there is now a thirty-year history of intensive wolf and moose management and research, including 2 periods of wolf control in GMU 20A. It is clear, and well documented, that periodic wolf control has resulted in much higher harvests of moose than could be realized without control (Boertje et al., 2009). Biologists now have considerable experience successfully managing moose at relatively high density (Boertje et al., 2007). The GMU 20A case history has provided a great deal of information on what biologists can expect from intensive management programs and these programs are scientifically well founded. However, GMUs are different ecologically and new information on which areas are best suited to intensive management programs will continue to be gathered.

Decisions by the Board to Undertake Wolf Control

Generally, there are two situations under which the Board will consider undertaking wolf control (implementing extraordinary measures outside normal hunting and trapping). In rare cases, control may be implemented where sustained yield harvests of ungulates cannot be maintained or where extirpation of ungulate populations may be expected. More commonly, the Board may implement wolf control to comply with Alaska Statutes (AS 16.05.255) where ungulate populations are declared “depleted” or where ungulate harvests must be significantly reduced, and these populations have been found by the Board to be important for “high levels of human harvest”. In most cases when wolf control is implemented, the Board will favor and promote an effective control effort by the public. Experience has shown that often a joint effort by the public and the Department has been most effective. However, the Board recognizes that there are areas and situations where the public cannot effectively or efficiently control predation and that the Department may, under its own authority and responsibilities, conduct the necessary wolf population control activities. Such situations arise in part because public effort to take wolves tends to diminish before an adequate level of population control is achieved. In areas where wolf reduction is being conducted, ungulate and wolf surveys should be conducted as frequently as necessary

to ensure that adequate data are available to make management decisions and to ensure that wolf numbers remain sufficient to maintain long-term sustained yield harvests.

Methods the Board Will Consider When Implementing Wolf Control Programs

- 1) Expanding public hunting and trapping into seasons when wolf hides are not prime.
- 2) Use of baiting for hunting wolves.
- 3) Allowing same-day-airborne hunting of wolves when 300 ft from aircraft.
- 4) Allowing land-and-shoot by the public.
- 5) Allowing aerial shooting by the public.
- 6) Allowing use of Department staff and helicopters for aerial shooting.
- 7) Encouraging the Department to hire or contract with wolf trappers and other agents who may use one or more of the methods listed here.
- 8) Allowing denning by Department staff and use of gas for euthanasia of sub-adults in dens.

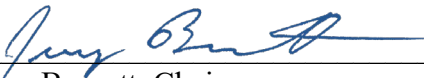
Terminating Wolf Control

Depending on the response to wolf control and ungulate population and harvest objectives, control may either be of short or long duration. In some cases, control may last less than five years. In other cases it may be an ongoing effort lasting many years. As ungulate harvest objectives are met, the Board will transition from a wolf control program to a wolf management program, relying to a greater extent on public hunting and trapping. In cases where ungulates respond very well and hunting is ineffective at controlling ungulate numbers for practical reasons, it may be necessary for the Board to restrict the taking of predators.

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Vote: 7-0
January 19, 2023
Ketchikan, Alaska



Jerry Burnett, Chairman
Board of Game

**Findings of the Alaska Board of Game
2023-227-BOG
BOARD OF GAME BEAR CONSERVATION, HARVEST,
AND MANAGEMENT POLICY
(Expiration Date: July, 2028
This policy supersedes BOG Policy #2016-214-BOG)**

Purposes of Policy

1. To clarify the intent of the Board and provide guidelines for Board members and the Department of Fish and Game (Department) to consider when developing regulation proposals for the conservation and harvest of bears in Alaska, consistent with the Alaska Constitution and applicable statutes.
2. To encourage review, comment, and interagency coordination for bear management activities.

Goals

1. To ensure the conservation of bears throughout their historic range in Alaska.
2. To recognize the ecological and economic importance of bears while providing for their management as a harvestable opportunity, food, predatory, and furbearer species.
3. To recognize the importance of bears for customary and traditional uses, viewing, photography, research, and non-consumptive uses in Alaska.

Background

The wild character of Alaska's landscapes is one of our most important natural resources and the presence of naturally abundant populations of brown/grizzly bears (*Ursus arctos*) and black bears (*Ursus americanus*) throughout their historic range in Alaska is important to that wild character. Bears are important to Alaskans in many ways, including as food animals, predators of moose, caribou, deer and muskox, a unique species opportunity for nonresident and resident hunters, furbearers, , and as objects of curiosity, study, awe, and enjoyment. Bears are also important components of naturally functioning Alaskan ecosystems.

Bear viewing is a rapidly growing industry in selected areas of the state. The interest exceeds the opportunities provided now by such established and controlled sites as McNeil River, Pack Creek, Anan Creek, Wolverine Creek and Brooks Camp. In most areas, hunting and viewing are compatible uses but the Board may consider bear viewing as a priority use in some small areas, especially where access for people is good and bears are particularly concentrated. The Board, the Department , and the Alaska Wildlife Troopers will continue to discourage people from feeding bears to provide viewing and will continue to enforce laws against persons who feed bears illegally.

Bears are frequently attracted to garbage or to fish and hunting camps and can be a nuisance where they become habituated to humans and human food sources. Dealing with problem bears has been especially difficult in Anchorage, Juneau, and the Kenai Peninsula. The Department has worked hard, and successfully, with municipalities to educate people and solve waste

management problems. The Department's policy on human food and solid waste management (<http://www.wc.adfg.state.ak.us/index.cfm?adfg=bears.bearpolicy>) provides guidance on reducing threats to humans and the resulting need to kill problem bears.

Bears can pose a threat to humans in certain situations. The Department has the regulatory authority to address human/bear conflicts and has developed a detailed approach to investigating incidents involving bears and humans. In addition, the Department has developed a detailed wildlife safety curriculum for use internally and by the public, with considerable focus on bears. The Department and the Board will continue to educate people about ways to minimize threats to humans and the resulting need to remove problem bears.

Alaska is world-renowned as a place to hunt brown bears, grizzly bears and black bears. Alaska is the only place in the United States where brown and grizzly bears are hunted in large numbers. The brown bear harvest has remained stable over the last 10 years, despite more liberal regulations governing take. Many of the hunters are nonresidents and their economic impact is significant to Alaska. Hunters have traditionally been the strongest advocates for bears and their habitat, providing consistent financial and political support for research and management programs.

Because bears can be both prey and predator, their relationship with people is complex. Throughout much of Interior Alaska and in some areas of Southcentral Alaska, the combined predation by bears and wolves keeps moose at relatively low levels. Bear predation on young calves has been shown to contribute significantly to keeping moose populations depressed, delayed population recovery, and low harvest by humans. People in parts of rural Alaska (e.g., Yukon Flats) have expressed considerable frustration with low moose numbers and high predation rates on moose calves in hunting areas around villages. The Board and the Department take an active role in addressing bear management issues. Because the Constitution of the State of Alaska requires all wildlife (including predators) to be managed on a sustained yield basis, the Board of Game and the Department will manage all bear populations to maintain a sustained yield, and the Board recognizes its broad latitude to manage predators including bears to provide for higher yields of ungulates (*West vs State of Alaska*, Alaska Supreme Court, 6 August 2010).

Brown and grizzly bears

Although there is no clear taxonomic difference between brown and grizzly bears, there are ecological and economic differences that are recognized by the Board and Department. In the area south of a line following the crest of the Alaska Range from the Canadian border westward to the 62nd parallel of latitude to the Bering Sea, where salmon are important in the diet of *Ursus arctos*, these bears are commonly referred to as brown bears. Brown bears grow relatively large, tend to be less predatory on ungulates, usually occur at high densities, and are highly sought after by hunters for the unique hunting opportunity generally only found in Alaska and for viewing and photography. Bears found north of this line in Interior and Arctic Alaska; where densities are lower and which are usually smaller in size, more predatory on ungulates, and have fewer opportunities to feed on salmon; are referred to as grizzly bears. Brown and grizzly bears are found throughout their historic range in Alaska and may have expanded their recent historic range in the last few decades into places like the Yukon Flats and lower Koyukuk River.

Although determining precise population size is not possible with techniques currently available, most bear populations are estimated to be stable or increasing based on aerial counts, Capture-

Mark-Resight techniques (including DNA), harvest data, traditional knowledge, and evidence of expansion of historic ranges. Throughout most coastal habitats where salmon are abundant, brown bears are abundant and typically exceed 175 bears/1,000 km² (450 bears/1,000 mi²). A population in Katmai National Park on the Alaska Peninsula was measured at 550 bears/1,000 km² (1,420 bears/1,000 mi²). In most interior and northern coastal areas, densities do not exceed 40 bears/1,000 km² (100 bears/1,000 mi²). Mean densities as low as 4 grizzly bears/1,000 km² (12 bears/1,000 mi²) have been measured in the eastern Brooks Range but these density estimates may be biased low and the confidence intervals around the estimates are unknown. Extrapolations from existing density estimates yielded statewide estimate of 31,700 brown bears in 1993, but the estimate is likely to be low.

Although some northern grizzly bear populations have relatively low reproductive rates, most grizzly bear and brown bear populations are capable of sustaining relatively high harvest rates comparable to moose, caribou, sheep, goats, and other big game animals that exist in the presence of natural numbers of large predators in most areas of Alaska. In addition, grizzly bears and brown bears have shown their ability to recover relatively quickly (<15 years) from federal poisoning campaigns during the 1950s and overharvest on the Alaska Peninsula during the 1960s. Biologists were previously concerned about the conservation of brown bears on the Kenai Peninsula and brown bears there were listed by the state as a “species of special concern”. The Department implemented a conservation strategy there through a stakeholder process. In recent years it has become apparent that brown bears remain healthy on the Kenai and the Board, and the Department no longer believes there is a conservation concern.

In some areas of the state (e.g., Unit 13) where the Board has tried to reduce grizzly bear numbers with liberal seasons and bag limits for over 15 years, there is no evidence that current increased harvests have affected bear numbers, age structure, or population composition. In areas of Interior Alaska, where access is relatively poor, long conventional hunting seasons and bag limits of up to 2 bears per year have not been effective at reducing numbers of grizzly bears. In these areas, most biologists believe that as long as sows and cubs are protected from harvest it will not be possible to reduce populations enough to achieve increases in recruitment of moose.

Black bears

American black bears (*Ursus americanus*) are generally found in forested habitats throughout the state. Like brown and grizzly bears, black bears also occupy all of their historic ranges in Alaska and are frequently sympatric with grizzly and brown bears. Because they live in forested habitats it is difficult to estimate population size or density. Where estimates have been conducted in interior Alaska, densities ranged from 67 bears/1,000 km² (175 bears/1,000 mi²) on the Yukon Flats to 289 bears/1,000 km² (750 bears/1,000 mi²) on the Kenai Peninsula. In coastal forest habitats of Southeast Alaska’s Alexander Archipelago, black bear densities are considered high. A 2000 estimate for Kuiu Island was 1,560 black bears/1,000 km² (4,000 black bears/1,000 mi²).

In most areas of the state, black bears are viewed primarily as food animals, but they are also sought after for their fur/hides, and as predators of moose calves. The Board classified black bears as furbearers, recognizing the desire of people to use black bear fur as trim on clothing, to enhance the value of black bears, and to enable the Board and the Department to use foot-snares in bear management programs. The classification of black bears as a furbearer has legalized the sale of some black bear hides and parts (except gall bladders) and has thus made regulations in Alaska similar to those in northern Canada in this regard.

Black bears exhibit higher reproductive rates than brown and grizzly bears. In all areas of the state black bear populations are healthy and can sustain current or increased harvest levels. However, hunting pressure on black bears in some coastal areas like Game Management Unit (GMU) 6 (Prince William Sound), GMU 2 (Prince of Wales Island) and parts of GMU 3 (Kuiu Island) may be approaching or have exceeded maximum desired levels if mature bears are to be preserved and are the subjects of frequent regulatory adjustments.

In some other parts of the state, deliberately reducing black bear numbers to improve moose calf survival has proven to be difficult or impossible with conventional harvest programs. The Board has had to resort to more innovative regulations promoting baiting and trapping with foot snares. The Department has also tried an experimental solution of translocating bears away from an important moose population near McGrath (GMU 19D) to determine if reduced bear numbers could result in significant increases in moose numbers and harvests. The success of the McGrath program has made it a potential model for other small areas around villages in Interior Alaska, if acceptable relocation sites are available.

Guiding Principles

The Board of Game and the Department will promote regulations and policies that will strive to:

1. Manage bear populations to provide for continuing sustained yield, while allowing a wide range of human uses in all areas of the state.
2. Ensure subsistence uses of bears are provided in accordance with state law.
3. Ensure public safety near population centers.
4. Continue and, if appropriate, increase research on the management of bears and on predator/prey relationships and methods to mitigate the high predation rates of bears on moose calves in areas designated for intensive management.
5. Continue to provide for and encourage non-consumptive use of bears without causing bears to become habituated to human food.
6. Favor conventional hunting seasons and bag limits to manage bear numbers.
7. Encourage the human use of bear meat as food.
8. Employ more efficient harvest strategies, if necessary, when bear populations need to be substantially reduced to mitigate conflicts between bears and people.
9. Work with the Department to develop innovative ways of increasing bear harvests if conventional hunting seasons and bag limits are not effective at reducing bear numbers to mitigate predation on ungulates or to deal with problem bears.
10. Simplify hunting regulations for bears and increase opportunity for incidental harvest of grizzly bears in Interior Alaska by eliminating resident tag fees.
11. Recognize the increasing value of mature brown bears, especially in Units 1-6 and 8-10, and generate increased revenue from sales of brown bear tags.
12. Review and recommend revision to this policy as needed.

Conservation and Management Policy

The Board and the Department will manage bears differently in different areas of the state, in accordance with ecological differences and the needs and desires of humans. Bears will always be managed on a sustained yield basis. In all non-subsistence areas, the priority is to ensure continued subsistence uses of bears in accordance with state law. In some areas, such as the Kodiak Archipelago, portions of Southeast Alaska and the Alaska Peninsula, brown bears will generally be managed for mature adult bears for hunting, and for viewing opportunities. In Southeast Alaska and Prince William Sound, black bears will generally be managed as for sustainable populations for harvest, food animals, and viewing opportunities. In Interior and Arctic Alaska, black bears and grizzly bears will be managed primarily for sustainable populations, food animals, and predators of moose and caribou. Near population centers bears will be managed to ensure for public safety. In some parts of Interior Alaska, the Board may elect to manage populations of black bears primarily as furbearers.

Monitoring Harvest and Population Size

The Board and the Department recognize the importance of monitoring the size and health of bear populations on all lands in Alaska to determine if bear population management and conservation goals are being met. In areas where monitoring bear numbers, population composition, and age class is a high priority, sealing of all bear hides and skulls will be required. At the present time, all brown and grizzly bears harvested under the general, drawing, or registration hunting regulations must be inspected and sealed by a Department representative. Where monitoring bear numbers and harvests is a lower priority, harvest may be monitored using harvest tickets or subsistence harvest surveys.

Harvest of black bears will generally be monitored either with harvest tickets or sealing requirements. Where harvests are near maximum sustainable levels or where the Department and the Board need detailed harvest data, sealing will be required.

Large areas of the state have subsistence brown/grizzly bear hunts with liberal seasons and bag limits, mandatory meat salvage, and relaxed sealing requirements. The Department will continue to provide for subsistence needs.

Bear viewing also is an important aspect of bear management in Alaska. Increasing interest in watching bears at concentrated feeding areas such as salmon streams and sedge flats, and clam flats is challenging managers to find appropriate levels and types of human and bear interactions without jeopardizing human safety. Bear hunting and viewing are compatible in most situations.

Nothing in this policy affects the authority under state or federal laws for an individual to protect human life or property from bears (5 AAC 92.410). All reasonable steps must be taken to protect life and property by non-lethal means before a bear is killed.

Managing Predation by Bears

In order to comply with the AS 16.05.255, the Board and Department may implement management actions to reduce bear predation on ungulate populations. The Board may promulgate regulations that allow the Department to temporarily reduce bear populations in Game Management Units, Subunits, or management areas. The Board and the Department may

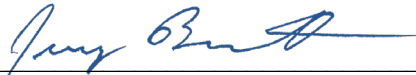
also need to reduce bear predation on ungulates to provide for continued sustained yield management or conservation of ungulates. In addition, it may be necessary for the Department to kill problem bears to protect the safety of the public under AS 16.05.050 (a) (5). In some cases, the Board may direct the Department to prepare a Predation Control Areas Implementation Plan (5 AAC 92.125 or 92.126) or in other cases the Board may authorize extensions of conventional hunting seasons or implement trapping seasons to aid in managing predation on ungulates.

To comply with AS 16.05.255 to maintain sustained yield management of wildlife populations, or to prevent populations of ungulates from declining to low levels, the Board may selectively consider changes to regulations allowing the public to take bears, including allowing the following:

- Baiting of bears
- Trapping, using foot-snares, for bears under bear management or predator control programs.
- Incidental takes of brown or grizzly bears during black bear management or predator control programs.
- Use of communications equipment between hunters or trappers.
- Sale of hides and skulls as incentives for taking bears.
- Diversionary feeding of bears during ungulate calving seasons.
- Use of black bears for handicraft items for sale, except gall bladders.
- Use of grizzly bears for handicraft items for sale, except gall bladders.
- Taking of sows accompanied by cubs and cubs.
- Same-day-airborne taking.
- Aerial shooting of bears by Department staff
- Suspension or repeal of bear tag fees.
- Use of helicopters.

The Board intends that with the exception of baiting, the above-listed methods and means will be authorized primarily in situations that require active control of bear populations, and only for the minimum amount of time necessary to accomplish management objectives. The Board allows baiting of black bears as a normal method of take in broad areas of the state and will consider allowing brown bear baiting as a normal method of take in select areas.

Vote: 7-0
January 19, 2023
Ketchikan, Alaska



Jerry Burnett, Chairman
Board of Game

**Findings for the Alaska Board of Game
2019-223-BOG
Board Recommendation to the Department of Fish and Game
for Allocation of Nelchina Caribou Permits
January 15, 2019**

The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and other wildlife users:

The Board recommended the Department take the following actions for allocating Nelchina caribou harvests:

- 1) When the Nelchina caribou herd is above the upper end of the population objective in 5 AAC 92.108:
 - a) The one Community Subsistence Harvest hunt will be held; and
 - b) the two Tier I registration hunts will be held; and
 - c) the one youth drawing hunt will occur, the bag limit is one caribou, and up to 200 permits may be issued; and
 - d) the one resident drawing hunt will occur, the bag limit is one caribou, and up to 5,000 permits may be issued; and
 - e) the one nonresident drawing hunt will occur, the bag limit is one bull, and up to 200 permits may be issued; and
 - f) all 200 youth drawing permits will be issued each year, and the number of resident and nonresident permits to be issued will be enough that the Department would project to reach the harvestable surplus (also referred to as the quota), but not more than 5,000 and 200 respectively.

- 2) When the Nelchina caribou herd is within the population objective:
 - a) the one Community Subsistence Harvest hunt will be held; and
 - b) the two Tier I registration hunts will be held; and
 - c) all 200 youth drawing permits will be issued, and the number of resident and nonresident permits to be issued will be enough that the Department would project to reach the harvestable surplus (also referred to as the quota), but not more than 5,000 and 50 respectively. The nonresident permits will be issued after all 5,000 resident drawing permits are issued.


- 3) When the caribou population is below the management objectives and when the estimated harvestable surplus will not be adequate to meet the lower end of the amount reasonably necessary for subsistence:
 - a) a resident only Tier II hunt will be administered in the next application cycle; and
 - b) the Community Subsistence Harvest hunt will not be held in the subsequent year but will be held if applications are received and permits announced; and
 - c) Neither Tier I registration hunt will be held in the subsequent year, but will be held if applications are received and permits announced; and

- d) the one youth drawing hunt will be held if permit winners have been announced, but will not be held if permit winners have not been announced; and
- e) the one resident drawing hunt will be held if permit winners have been announced, but will not be held if permit winners have not been announced; and
- f) the one nonresident drawing hunt will be held if permit winners have been announced, but will not be held if permit winners have not been announced.

In an effort to reduce hunter confusion and maintain hunt consistency the Department will in some cases allow hunts to run their course and management action will be taken in the following year. For example, issued permits will be allowed to be hunted but quotas and/or seasons may be reduced, and/or the number of available permits may be reduced the following year.

If population objectives change, the Board may revisit this plan.

Vote: 6-0
Adopted: January 15, 2019
Petersburg, Alaska



Ted Spraker, Chair
Alaska Board of Game

Findings of the Alaska Board of Game
2017-222-BOG
Alaska Board of Game Nonresident Hunter Allocation Policy
(This policy supersedes BOG policy #2007-173-BOG)

In consideration that Article 8 of the Alaska Constitution states that:

§ 2. General Authority — The legislature shall provide for the utilization, development, and conservation of all-natural resources belonging to the state, including land and waters, for the maximum benefit of the people.

§ 3. Common Use — Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

§ 4. Sustained Yield — Fish, forests, wildlife, grasslands, and all other replenishable resources belong to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

And, Alaska Statute 16.05.020 states that one of the primary functions of the commissioner of the Department of Fish and Game is to:

(2) manage, protect, maintain, improve, and extend the fish, game, and aquatic plant resources of the state in the interest of the economy and general well-being of the state.

And further, that; AS16.05.255 directs that the Board of Game, among other duties, may adopt regulations for:

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, and utilization of game.

(13) promoting hunting and trapping and preserving the heritage of hunting and trapping in the state.

The Alaska Board of Game establishes this document as a general statement of its views related to nonresident hunter participation in the State of Alaska.

The Alaska Board of Game finds that:

1. Carefully controlled hunting and trapping have been used since statehood to assure that Alaska's wildlife populations are healthy and sustainably managed. Alaska's wildlife populations are minimally impacted by the hunting pressure experienced today, and most hunted populations are either stable or growing. There are few remaining opportunities in North America where a hunter can experience both the quality of largely uninhabited and undeveloped environment, minimal private land ownership boundaries, or the type of hunting opportunities that Alaska has to offer. Alaska is the

only place in the United States where coastal brown bears, caribou and Dall sheep can be hunted, for instance, and there has been great demand for hunting opportunities of these species by U.S. and foreign citizens for many generations.

2. Alaska is one of the last remaining places in the United States where there are large segments of public lands open for general season hunting opportunities. The State of Alaska maintains authority for wildlife management across multiple land ownership designations yet the board recognizes that approximately 60% of the state remains in Federal ownership and is managed for the benefit of all U.S. citizens equally. In recognition of our state's constitutional mandate to manage the state's wildlife for the "common use" and "maximum benefit" of the people, the board has maintained a resident priority for hunting opportunities through management actions such as longer seasons, less restrictive antler requirements, resident tag fee exemptions, and lower licensing fees. The board has also maintained general season opportunity to the greatest degree possible for the benefit of all hunters, resident and visitor alike.
3. Under the Common Use Clause of the Alaska Constitution, access to natural resources by any person's preferred method or means is not guaranteed, and protecting public access to those resources requires an adaptive and informed balancing of demands and needs consistent with the public interest. As such, the state has considerable latitude to responsibly, equitably, and sustainably establish priorities among competing uses for the maximum benefit of the public.
4. From region to region, Alaska often has differing patterns of use, values, and traditions related to the harvest of game. Some areas welcome nonlocal hunters more readily than others, and other areas have little concern regarding who else is hunting the area, so long as local needs are met. The board has recognized that there is no single simple allocation formula that adequately covers the needs, desires, and historical use patterns of the diverse regions of our state.
5. Nonresident hunters have played a crucial and often undervalued role in support of Alaska's wildlife conservation efforts since Territorial times. Early in the last century, nonresident hunters partnered with Alaskan sportsmen to advocate for the conservation of brown bear and grizzly populations, perhaps most notably on Kodiak Island, which reversed territorial, and later state policy that was at one point directed toward the complete elimination of some segments of these populations by any means available. Nonresident hunting groups and resident hunters successfully advocated for the creation of McKinley National Park to address market hunting depletions of Dall sheep populations in that region, and later played an important role in advocating that National Park Preserves and National Wildlife Refuges in Alaska would not only allow for hunting, in the Alaska National Interest Lands Conservation Act, but that hunting and fishing would be recognized in law as priority uses under the National Wildlife Refuge System Improvement Act of 1997. These cooperative actions substantially protected continued hunting opportunities across large areas of federally managed lands in Alaska. More recently, nonresident hunters have contributed meaningfully in the

effort to prevent disease introduction in Alaska, and continue to be knowledgeable allies in safeguarding both our resources and our access to these resources in the face of external pressures.

6. Nonresident hunters typically harvest wildlife at low levels across the state, with few known exceptions. While most big game animal populations are typically harvested at a rate of less than 10 percent by nonresidents, there are some areas where it can be higher (e.g. nonresident sheep harvests averages between 35 and 40% annually and brown/grizzly bear harvests typically exceed resident harvest in much of the state.
 - The board recognizes that, in recent years, there has been a renewed effort to restrict or eliminate nonresident hunter opportunity, especially in relation to Dall sheep harvest. The board conducted an extensive survey of sheep hunter perceptions and experiences; requested that the Alaska Department of Fish and Game gather all known data regarding hunter participation and harvest rates statewide; and, convened a Dall sheep working group made up of Alaskan residents to discuss the known data, survey results, and issues more broadly in an open setting.
 - Nonresident hunter numbers are restrained due to many factors, such as the guide requirement for Dall sheep, mountain goat and brown bear/grizzly, a law primarily addressing hunter safety issues. This requirement also results in higher success rates due to the greater experience and area familiarity of hunting guides. Nonresident sheep hunters have also been limited by federal guide concessions, which have capped the number of guides in large portions of sheep ranges and held them to predetermined numbers on 10-year cycles. The competitive bidding nature for obtaining rights in these areas requires that guides hold to the number of clients they have proposed during their tenure, allowing for predictable participation and anticipated harvest rates.
7. Despite comparatively low participation and harvest rates for most species due to restricted opportunity, nonresident hunters provide the majority of direct funding into Alaskan wildlife management programs through relatively expensive license and big game tag fees. This level of funding has allowed for stable wildlife management and educational activities for decades. The additional benefit to wildlife management from receiving Pittman-Robertson matching funds, which come primarily from nationwide weapon purchases, cannot be overstated. The level of funding that nonresident license sales have provided for department survey and inventory programs, among other programs, has allowed the board to have increased confidence in providing for higher levels of harvest opportunities under sustained yield principles. Alaskan hunters have benefited most from these management programs through generally avoiding harvest quotas, draw permits, antler restrictions, and shortened seasons for the majority of hunt opportunities in Alaska. This enhances our ability to satisfy our legal mandate to manage, preserve and promote hunting and trapping throughout the state, while

providing the maximum benefit for all the people as Alaskans take home an estimated 90% of the big game animals harvested for their meat value in the state each year.

8. Nonresident hunters contribute substantially directly to the Alaskan economy through contracting with service providers, equipment rentals, supply purchases from local vendors, hotel and tourism related expenses, and meat processing and trophy expediting services. Visiting nonresident hunters are typically comprised of 80% of unguided hunters, 20% guided nonresident hunters, or hunters accompanied by second degree of kindred relatives.

- Unguided nonresident hunters often contract with air-taxis or transporters for transportation services to remote hunting locations and primarily focus their efforts on moose, caribou, deer, and black bear. Nonresident hunter dispersal through transportation services provides benefit to both resident hunters who find the more accessible hunting areas less crowded, and nonresident hunters who often have access to more remote areas that provide unique hunting settings or access to migratory resources. Unguided nonresident hunters often donate meat through their service providers to remote villages, especially portions of their moose and caribou, due to prohibitive transportation costs. There have been numerous complaints over the years related to donated meat quality, hunter crowding, overbooked services, and competition with local hunters related to air-taxi and transporter operations – resulting in the creation of controlled use areas to limit hunting-related aircraft use in several areas of the state and most recently both modified state and new federal controlled use areas in northwest Alaska. The board recognizes that these issues are not typically driven by lack of resource availability, but at times due to variance in wildlife migrations or weather and at other times unchecked competition for limited access points by multiple service providers. The board believes that these conflicts can be best addressed through greater oversight of transportation related services in our state rather than strictly limiting general hunting opportunity where resources are in many cases stable or abundant.
- Approximately 86% of registered or master guides in Alaska are Alaskan residents and upwards of 66% of assistant guides are Alaskan residents. Guided hunt opportunity is generally disbursed across the state on both state and federal lands, and to a lesser degree on private lands. A recent economic analysis of the economic impact of the guide industry notes that 3,242 guided nonresident hunters contributed approximately 87.2 million dollars to Alaska's economy in 2015, and supported 2,120 Alaskan jobs. A significant amount of game meat was donated by guided hunters in communities across the state during this same period, providing both economic relief and direct dietary benefit to mostly rural Alaskans. The benefit this brings to Alaskan communities is supported by testimony from across Alaska. There has been complaint regarding hunter crowding or competition for Dall sheep resources on state owned lands in several regions for a number of years and the board

has recently taken a very detailed look at these and other issues with the aid of a resident-comprised Dall sheep working group, as noted above. The board has advocated for the restoration of guide-concessions on state lands to both provide a comprehensive program to address quality of hunt issues such as these, and to assure that stewardship-based guided-hunt opportunities are provided in these areas.

- Recent data and testimony indicate that the trend of nonresident hunters accompanied by second degree kindred resident relatives for Dall sheep, brown bear, and mountain goat appear to be increasing. The board recognizes the high value of continued opportunity for Alaskans to share unique hunting opportunities with nonresident family members. The board has heard complaints that, in portions of the state, strictly limited permit opportunities for nonresident guide-required hunts have at times been taken to a large degree by second degree kindred hunters accompanied by resident relatives, an effect unanticipated when allocations were established. The board desires to address these issues in a manner that both protects the careful allocation frameworks that the board has already anticipated and determined as appropriate, and provide continued or expanded opportunity for Alaskans to maintain family centered hunting traditions with nonresident relatives where possible.

The primary goals and efforts of the Alaska Board of Game are directed toward the management of stable and healthy wildlife populations capable of producing harvestable surpluses to provide for a variety of uses and, at times, differing values of the public. While many uses of wildlife do not directly conflict with one another, such as wildlife viewing and hunting, with some notable exceptions, some consumptive uses do require thoughtful allocation decisions. Historically, the board has viewed meeting the subsistence needs of the Alaskan populace as its primary goal, as directed by state law.

Preferences have been granted by the state in the following order:

- 1) Alaskan Resident subsistence hunting - for all species with a customary or traditional use classification
- 2) Alaskan Resident general season hunting – for moose, deer, caribou, elk
 - Residents have longer seasons, more liberal bag limit and antler restrictions, and lower license and tag fees
- 3) Resident and Nonresident general season hunting – for Dall sheep, brown/grizzly bear, and mountain goat. Typically managed for trophy-related values.
 - Guide-required species for nonresidents can be a limiting (financial) factor for many nonresident hunters, in addition to license and tag fees
- 4) Nonresident Alien hunting – same as nonresident hunting
 - Guide-required for all big game species and with higher license and tag fees

The Alaska Board of Game has recognized the above inherent preferences and general practices that benefit Alaskan hunters and will continue to do so. In addition, the board will address allocation issues in the following circumstances, if season and/or method and means adjustments are deemed insufficient:

- 1) When there is suitable harvestable surplus - it is the board's policy to allow maximum opportunity for all hunters, within the bounds of sustained yield management practices, regardless of residency.
- 2) In times of non-hunting-related population decline - it will be the board's policy to restrict all non-subsistence hunting if it is predicted to contribute to the decline or have the potential to slow the recovery of these populations appreciably. Nonresident hunters will be restricted first in these circumstances, unless their portion of the overall harvest is deemed insignificant.
- 3) In times of hunting-related population decline – it will be the board's policy to identify the potential causes and address each case individually. Nonresident hunters will be restricted first in these circumstances, unless their portion of the overall harvest is deemed insignificant or the restriction of nonresident hunters does not address the primary cause of decline.
- 4) Nonresident hunting will not be authorized for any moose, caribou or deer population under a current intensive management predator control program until the minimum intensive management population or harvest objectives are met unless the board determines that such hunting will not adversely impact resident opportunity, will not adversely impact the recovery of the target population, and is determined to provide for the maximum benefit of the people of Alaska.
- 5) The board may choose to address areas of conservation, hunter overcrowding, or conflict issues by placing limitations on or between commercial service-dependent hunts, or request that the appropriate regulatory body address the service provider issue if it is beyond the board's authority. This may be accomplished by guided-only or non-guided-only permit stipulations for any species, as the board has done in several places in the past. Sustained yield will be the first test in these circumstances, then subsistence obligations, historical use patterns, and quality of hunt experience will be considered.
- 6) When a draw hunt is deemed necessary, allocation will be determined on a case by case basis and will be based upon the historical data of nonresident and resident permit, harvest or participation allocation over the past ten or more years. When a guided nonresident hunter applies for a drawing permit, proof of having a signed guide-client contract is required and contracting guides shall be registered in the area prior to the drawing. When a guide signs a guide-client contract, the guide is providing guiding services and therefore must be registered for the use area at that time.

- 7) The board has supported the reestablishment of state-managed guide concessions to address user conflicts and hunt quality issues for more than a decade. The board continues to support this avenue to address known conflict areas. It will be the board's policy to address nonresident allocations under state or federal concessions that have overlaying draw requirements in a manner that cooperates with land management efforts and goals, as deemed appropriate by the board.

Vote: 5-1-1
Adopted: November 17, 2017
Anchorage, Alaska


Ted Spraker, Chairman
Alaska Board of Game

**Alaska Board of Game
2016-213-BOG
Findings Related to Proposal 207: Restrictions on the
Use of Aircraft Associated with Sheep Hunting**

To address complaints concerning misuse of aircraft, particularly during sheep hunting season, the Board of Game drafted a proposal to limit aircraft use associated with sheep hunting, later identified as proposal 207. This proposal was deliberated on during the January 8, 2015 Work Session Meeting held in Juneau, where the Board agreed to schedule the proposal to be addressed at the February 2015, Central/SW Regional meeting in Wasilla. The Board also held an evening “town hall” style meeting in February where approximately 165 people participated in a discussion concerning the use of aircraft during sheep season.

Recognizing there was opposition from those using aircraft and support from hunters that did not use aircraft, the Board deferred the proposal to the March 2015, Southcentral Region Meeting held in Anchorage to facilitate additional public comment. Proposal 207 was approved at this meeting with six members in support and one opposed, following a lengthy public testimony process.

A special meeting was then held on April 24, 2015 for the purpose of scheduling a future meeting to rescind the action taken by the Board on proposal 207, at the request of two Board members. A special meeting was held on May 28, 2015 to discuss the merits of retaining proposal 207. The request to rescind failed; with a vote of two supporting rescinding and five supporting the proposal.

The adopted language now reads: 5 AAC 92.085. **Unlawful methods of taking big game; exceptions....(8) a person who has been airborne may not take or assist in taking a big game animal until after 3:00 a.m. following the day in which the flying occurred, and from August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season, however, aircraft other than helicopters may be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep.**

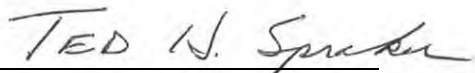
The purpose of this finding is to clarify the Board’s intent when adopting this restriction and address some of the commonly heard misinterpretations brought to Board members’ attention since the regulation became effective July 1, 2015.

Passage of proposal 207 is intended to:

1. Specifically address public complaint that the Board of Game has heard for many decades regarding the controversial practice of hunting for wildlife from aircraft.
 - Since at least the 1970’s the Board of game has heard testimony regarding how hunting from an aircraft has both disrupted the efforts of other hunters through displacement of animals and also lowered the quality of experience for other hunters who do not use aircraft as a hunting tool.

- The Board recognizes that there has been increased complaint especially during the last decade regarding perceived crowding issues and increased competition among Dall sheep hunters in their efforts, despite less hunter participation than in previous decades, and that the practice of aircraft hunting may be contributing to these problems by disturbing both hunters and sheep populations themselves.
 - Technological advances in small aircraft capability and the increasing popularity of short field performance educational videos have combined in recent decades, resulting both in increased aircraft dependent hunting methods and decreased number of areas where foot based hunters are able to go without competition from those who primarily hunt from the air and then land nearby in marginal conditions to pursue the sheep.
2. Prohibit the deliberate use of an aircraft for locating any Dall sheep for hunting purposes between August 10 and September 20. This precludes flying with the intention to generally locate Dall sheep and also making single or repeated passes to evaluate the location, type, or quality of specific animals. This prohibition is intended to apply to both the pilot and anyone that this information is communicated to during the open season, who has the intent to harvest a Dall sheep anywhere in the state.
- The prohibition is not meant to prevent the hunting of animals that were incidentally spotted while under the allowed provisions of this regulation (... **“to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep”**.) so long as the aircraft is not being used for the purpose of locating Dall sheep for hunting purposes. **“From August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season.**
 - This prohibition was not intended to prohibit the hunting of Dall sheep in the present season, or following seasons, if the sheep were incidentally spotted by a pilot or passenger who are directly in route to or from a proposed camp or hunter drop-off or pick-up location, an existing camp or cache, or Dall sheep harvest location between the August 10 and September 20 hunting season.
 - This prohibition does not preclude someone from legally harvesting any Dall sheep if it were incidentally spotted while directly in route to or from a proposed landing location.
 - This prohibition does not intend to prevent any flight maneuvers that are necessary to make an informed and safe landing in the field.

Adopted: March 17, 2016
Vote: 4-2-1
Fairbanks, Alaska


Ted Spraker, Chairman
Alaska Board of Game

**Findings for the Alaska Board of Game
2015-211-BOG
Board Recommendation to the Department of Fish and Game
Provided during the Southcentral Region Meeting
March 18, 2015**

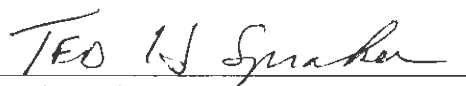
The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and other wildlife users:

The Board recommended the Department take the following management action:

Establish a maximum human-caused mortality quota of no more than 50-60 brown bears, with no more than 8-12 of these adult (at least 5 years old) sows, per calendar year beginning after January 1, 2015, for Units 7 and 15.

Adopted March 18, 2015:

Vote: 7-0



Ted Spraker, Chairman
Alaska Board of Game

**Findings for the Alaska Board of Game
2013-202-BOG
Board Direction to the Department of Fish and Game
Provided during the Southcentral Region Meeting
March 19, 2013**

The Board of Game finds as follows, based on information provided by Department of Fish and Game staff, Alaska residents and other wildlife users:

The Board directed the department to take the following actions:

1. Unit 14C sheep, expand the DS123 hunt area to include Ram Valley and Falls Creek drainage.
2. Establish a human-caused mortality quota of no more than 70 brown bears per calendar year beginning after January 1, 2014, for Units 7 and 15.

Vote: 7-0
March 19, 2013
Kenai, Alaska



Ted Spraker, Chairman
Alaska Board of Game

**Alaska Board of Game
Policy for the
Annual Reauthorization of Antlerless Moose**

#2007-172-BOG

Background

Alaska Statute AS 16.05.780 requires the Board of Game to reauthorize the Antlerless moose seasons in each Game Management Unit, subunit or any other authorized antlerless moose season on a yearly basis.

In order for the Board to comply with AS 16.05.780, it must consider that antlerless moose seasons require approval by a majority of the active advisory committees located in, or the majority of whose members reside in, the affected unit or subunit. For the purpose of this section, an “active advisory committee” is a committee that holds a meeting and acts on the proposal.

Because of the requirement for yearly reauthorization, the Board of Game approves of the proposals in order to insure they remain in regulation. In the case of the antlerless moose seasons, the Board of Game has delegated authority to the Department which allows them to administer a hunt if there is an allowable harvest of antlerless moose. The Board of Game has provided language to allow the Department to issue an “up to” number of permits so that we do not have to try and set a hard number each year. In most years it would be very difficult for a decision on allowable harvest to be made prior to the surveys the Department makes of the moose population.

This requirement for yearly authorization takes a lot of valuable Board time as well as requiring the Department to bring in area biologists or regional supervisors to present to the Board information on the proposed regulation. The attendance of many of these area biologists or regional supervisors is not required for any other proposed regulatory changes that the Board will consider in the normal Board cycle of proposals.

Because this requirement increases the cost to the Department and the Board, and because the annual reauthorization for some of the antlerless moose seasons may be considered a house keeping requirement in order to comply with AS 16.05.780, the Board has determined that a more efficient way to handle the annual reauthorization should be adopted and has established the following policy in agreement with the Department.

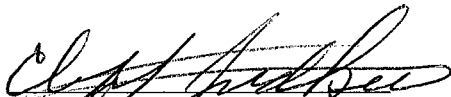
Policy for yearly authorization of Antlerless Moose Hunts by the Board of Game

Each year, the Department will present as a package for approval all of the antlerless moose proposals. During that presentation, if there are any changes that will be required to be considered, they will be noted for later discussion.

Because the Board had delegated the authority to the Department to hold antlerless moose hunts, there are many hunts that do not occur based on biology. The Department and the Board finds that it is important to keep these regulations on the books so that when opportunity exists, the Department will have the ability to provide additional opportunity for the use of antlerless moose.

The Board agrees that it will minimize debate during the presentation and only consider extensive discussion on any reauthorization that will be associated with a pending proposal submitted during the normal cycle to be considered. This discussion will be limited to any proposal submitted to the Board and not during the approval fo the packaged proposals for reauthorization of antlerless moose seasons.

The Board is aware of the time and expense required to comply with AS 16.05.780; it feels that by adopting this policy both the Department and Board will be better served.



Cliff Judkins, Chairman
Alaska Board of Game

Vote: 7-0
March 12, 2007
Anchorage, Alaska

**Findings of the Alaska Board of Game
2004-149-BOG**

**Resolution Encouraging Public Agencies Signage for Traplines on Public Lands
March 10, 2004**

Whereas, A variety of seasonal uses occur on public lands and trails during the winter months,

Whereas, The general public often is not aware of when trapping seasons are open or how to recognize trapping activity on trails,

Whereas, Recreational trail users sometimes use the same trails that trappers use,

Whereas, Unleashed pets accompanying recreational trail users can come into contact with legal trapping activities,

Whereas, the Board of Game regularly receives proposals to limit trapping activity and gear, as a result of recreational users coming into conflict with traplines,

Whereas, Official land management agency signing is probably more effective and recognizable as a standard than the current practice of private signing of traplines,

Therefore be it resolved: That the Board of Game encourages land management agencies to erect signs at trailheads on public lands in areas where trapping is allowed to notify trail users that trapping may be occurring along the trails and suggest that domestic animals be harnessed or leashed to avoid conflicts,

And further be it resolved that: That trappers and recreational users take the initiative to encourage land managers to support mutual and respective winter trail use.

Vote: 7/0
March 10, 2004
Fairbanks, Alaska



Mike Fleagle, Chair
Alaska Board of Game