Tim Bouchard
1922 Bluegrass Drive
Fairbanks, AK 99709
(907) 322-3825

April 17, 2009

Cliff Judkins, Chair
Alaska Board of Game
P.O. Box 115526
Juneau, Alaska 99811-5526

Re: Petition for Emergency Rule-Making
Repeal of Proposal #117 (5AAC 85.065)

Dear Chairman Judkins and Board Members:

Under 5 AAC 96.625(f), I would like to formally petition the Board of Game for an emergency repeal of your recent adoption of proposal #117, which amended 5 AAC 85.065 and drastically reduced the limit on the harvest of sea ducks in Kachemak Bay, in Unit 15.

With the proposal that was submitted to the Board of Game, you personally as the board should be embarrassed on the decision that was made and the drastic regulation change that occurred from this decisions. We are not all expects in every wildlife management type and need to rely on both public input and biologic data. This is why the board was created and why Alaska is a special place and it is wonderful we have direct impact in the decisions made on regulations as users.

In this case the board made this drastic decision based solely on one person's proposal and with no supporting data from that person. How can such a poorly written proposal be adopted by the board is still not understood by those of us effected by this decision. If more supporting data was given then I would be happy to accept the new regulations, but even as a birder the person has to count birds and have some data to show that the population is declining. Birds do fly and move around. Not the easiest thing to count to start with.

As a person with a degree in biology I am amazed with this. As a duck hunting guide for 6 years I am scared of this. I do not guide in this area, but if this is how the board is setting the precedence for changing duck hunting regulations, then every hunter is effected and should be worried. I spend almost 75 days a winter on the water watching waterfowl. I see so many birds come and go it is amazing. I have hunted a spot on day and seen a thousand birds pass. The next day, maybe ten birds came by. If this is the

case how can a casual bird watcher ever know the real data? It is like standing in one spot and not seeing moose for a day, so close season! You need data form a longer period of time or by aircraft as most of the country does waterfowl surveys.

There are many superior options than the one chosen by the board. We as Alaska can adopted a program like Washington State is using to manage their sea duck populations. They use a harvest card each hunter has to fill out during the season on actual numbers for each day. This is a costly program, but they have more data and can manage the resource for all user groups. And hunters get the best data because of the time spent.

We could also relay on our state waterfowl biologist for guidance. ADF&G waterfowl biologist Tom Rothe said in his analysis: "The department has concluded that sea duck harvest in Kachemak Bay and Cook Inlet is not excessive." Further, that the Department "does not have concerns that sea ducks are being over harvested and concludes that further restrictions to hunting will not provide conservation benefits to regional winter aggregations or populations of sea ducks." In particular relation to guided hunting, Rothe wrote that "guided hunting is not creating undue harvest, guiding is providing better quality public access to this specialized hunting." The Department's ultimate recommendation for proposal 117 was: "do not adopt."

The board needs to think of all alternative options. It maybe only one guide in the area, but you have taken away a good portion of his livelihood without any real data. Can you live with that? Or should we regroup and get some real data before drastic changes are made for no reason. You have effected both resident and non-resident hunters in this decision based on one person with no try information.

Thank You For Your Time,

Tim Bouchard

4/06/2009
Alaska Board of Game
Re: Repeal of proposal #117

We, the Seldovia Fish and Game Advisory Committee, hereby support the repeal of proposal #117, 5AAC 85.065. We feel the proposal followed the opinions of one person rather than the States own Fish and Game Waterfowl Biologist and other advisory committee's recommendations.

We apologize for not sending in recommendations prior to the meetings, but due to a lack of quorum could not meet. The original proposal was vague in nature, but the outcome was a direct hit to our community and residents. Please address our concerns and take another look at this proposal. The committee was polled and a unanimous decision to repeal proposal #117 was concluded.

Thank You, Robert Purpura
Vice Chairman Seldovia Fish and Game Advisory Committee

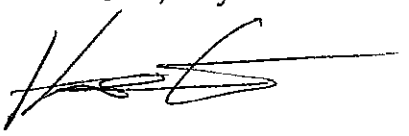
Robert Purpura

4/06/2009
Alaska Board of Game

Dear Sirs,
I respectively request you as a State Board, to repeal the decision made on Game Proposal 117 that was adopted at your last meeting.

We are a small town, and one small guiding business that has to close its doors because of an action taken by our Board of Game has negative consequences you might not understand.
Each client brought to town has to pay airlines, stay at a hotel and eat and drink locally during their stay. During November and December these are about the only tourists here. A few tourists that time of year has a trickle down effect that is very positive for our community.
Now, because of the adoption of this proposal, the city will lose also. Please take the time to rethink this decision and repeal the proposal.

Thank You
Keith Gain, Mayor of Seldovia



April 11, 2009

To: Alaska Board of Game

My name is Ethan Waldvogel. I am a resident of Homer, Alaska and an avid waterfowl hunter. I am writing in a petition to repeal Proposal 117 – 15C (Homer) Sea Duck Limit. While this is my back yard and easiest place for me to access, the sea ducks get little pressure from hunters from around the state. Hunting regularly for sea ducks through December, I only encountered one other sea duck hunter in well over a week. While hunting, ducks were numerous and some were harvested. Limits were possible, but not even closely achieved as that is not the reason for our hunting.

In the proposal, it is said that most of these ducks are not eaten or utilized. All of the ducks harvested are utilized. Many of them eaten, some are at taxidermy shops and I proudly decorate my wall with them. I know how many I want/need, and take no more. Responsible and ethical hunters will feel the same. Not eating or utilizing the ducks goes into the issue of wanton waste, an offense worthy of a citation. The argument here is that if the duck limit is lowered to an unreasonable number, people will no longer put the effort to hunt the ducks and therefore, no ducks will be wasted, of course that is making an assumption that all duck hunters waste their sea ducks.

For the typical waterfowl hunter, hunting sea ducks is not an easy task. In no place along the road system can you simply walk to the beach and begin hunting sea ducks. There is a lot of private land and the tides with the mudflats make for extremely difficult duck hunting and sea duck habitat. A sea duck hunter to be successful in Kachemak Bay will need a boat for winter time conditions, dozens of decoys, a layout boat for one hunter, while the other person must retrieve the ducks with the motorized boat. Sea duck hunters without that kind of dedication will not fare so well and would most likely stay within the 2 duck limit proposed, but not by their will. During the ideal sea duck hunting times, weather keeps many from going out.

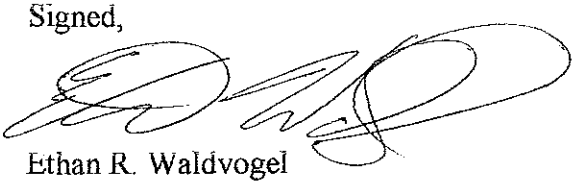
In two years I have hunted the sea ducks of Kachemak Bay and talking to the few that hunt them, the sea ducks do not arrive in the vast number until November. The original proposal is worded such as sea ducks are residence birds, like a grouse or ptarmigan. Waterfowl migrate and return every year. There are plenty of bays and coast lines for the birds to be found rather than at the end of the Homer Spit where a fair amount of long tail ducks like to be around. Being on the water visiting the bays in pursuit of the sea ducks, flocks of scoters in the hundreds can be found. Repeated fly-bys of harlequins are made, long tails are zipping along the deeper, open water, and mergansers always surprise me coming from the opposite direction I am looking.

Kachemak Bay is alive with ducks in the right time of year. Sea duck hunting is a vigorous sport I enjoy because of the little pressure given to the birds already. A place like Kodiak, a mere 90 miles from Homer has plenty of guides for sea duck hunting and I would imagine a higher harvest rate. There is only one guide that I am aware of that operates in Seldovia. I can not speak for him as I am sure he is letting his thoughts be known.

Inclosing, I hope to reconsider adopting the sea duck limit to 2 per day, 4 in possession to allow waterfowl hunters to participate in an activity that can support a harvest under the previous bag limit of 10 sea ducks per day, 20 sea ducks in possession (residents.)

Thank you for your time.

Signed,



Ethan R. Waldvogel
159 Mountain View Dr. Unit B
Homer, Alaska 99603
907-299-1304
Swabby2382@yahoo.com

To Whom It May Concern:

While I am not an Alaskan resident, I am taking the time to write to you today as I am deeply concerned over proposed changes outlined in 117 5ACC 85.065. This proposal drastically reduces the number of sea ducks that can be harvested in Kachemak Bay (Unit 15).

I am sure you will agree that, typically, waterfowl hunters have deep roots in conservation and a passion for protecting and growing the populations of birds they pursue. If this recommendation was based upon sound science, I believe there would be very few issues with the proposal.

These regulations have not been based on sound science. In fact, Tom Rothe, head waterfowl biologist for the State of Alaska, has written that "The department has concluded that the sea duck harvest is not excessive in Kachemak Bay and Cook Inlet". His recommendation for proposal 117 was: "Do not adopt." Surveys from 1999 to 2003 show from 15,000 to 30,000 ducks wintering in Kachemak Bay.

These regulations were based solely on the opinion of one Ms. Nancy Hillstrand. It saddens me that state policy, in the proud State of Alaska, can be dictated by a lone, misguided and misinformed individual. I believe the state should have the integrity to determine if scientific data must be collected to support an individual opinion. In this case, this has obviously not occurred.

I also urge you to consider the economic consequences of this action. Your actions clearly signal that:

- You have little concern for the economic well being of hard working, law abiding, guides and outfitters. This will put waterfowl outfitters out of business in the area.
- There has been no consideration of the economic benefit of hunters in the area. Studies by the Sonoran Institute have shown that hunters and fishers spend at least twice as much in local economies (hotel, food, souvenirs) than they do on the actual hunting or fishing trips themselves.
- You have no concern for the future economic development in these areas, and across the state as sportsmen realize that Alaska and the Homer area do not encourage sportsmen to pursue legal activities that do not effect overall wildlife populations.

I urge you to reconsider this change in the regulations. At least give science a voice and allow the public to voice their concerns. Again, I am very disappointed and shocked that one individual can drive state policy for personal gain without any check or balance.

I thank you for your time and consideration.

Best Regards:

04/12/09

James Warren

3570 Yellowbell

Bozeman, MT 59715

Board of Game
4/2/09
re: Petition to Repeal Proposal 117

We, the undersigned, hereby support the petition to repeal proposal 117 5ACC 85.065. This proposal drastically reduced the number of sea ducks that can be harvest in Kachemak Bay. Resident hunters were dropped from 10 birds daily limit/20 in possession to 2 daily bag limit/ 4 in possession. We feel the original proposal said nothing about regulation changes such as bag limit reductions, and the public was mislead.

The head state waterfowl biologist Tom Rothe writes, "The department has concluded that the sea duck harvest is not excessive in Kachemak Bay and Cook Inlet". His recommendation for proposal 117 was: "Do not adopt." Surveys from 1999 to 2003 show from 15,000 to 30,000 ducks wintering in Kachemak Bay.

The Board of Game has made bag limits reductions to sea ducks in 1999 and 2001. State waterfowl biologists write: "The department does not have concerns that sea ducks are being over harvested and concludes that further restrictions to hunting will not provide conservation benefits to regional winter aggregations or populations of sea ducks." We believe that the biologist's conclusions should be validated by maintaining the previous bag limit.

Dropping of the bag limit is not necessary and was pursued for an individual's personal benefit and was not based on any scientific necessity.

1)
2)
3)
4)
5) Zack Holbury
6) Kyle Harris
7) Susan Widener
8)
9)
10)
11)
12)
13)
14)
15) April McRoberts
16)
17)
18) Douglas
Earl Couch
Dora Couch

CC: Jim Marcotte

Josh Melton
196 Hiwassee Drive
Cleveland, TN 37310

RECEIVED
APR 2 3 2009
BOARDS

Attn: Buck Brown

This letter is being written in support of your efforts to Repeal Proposal 117 - 15C (Homer) Sea Duck Limit. My educational and professional training and experience lead me to agree with the biological findings of state waterfowl biologists and the Board of Game in their recommendation to "not adopt" this proposal. My understanding that their findings are as follows: The head state waterfowl biologist Tom Rothe writes, "The department has concluded that the sea duck harvest is not excessive in Kachemak Bay and Cook Inlet". His recommendation for proposal 117 was: "Do not adopt." Surveys from 1999 to 2003 show from 15,000 to 30,000 ducks wintering in Kachemak Bay. The Board of Game has made bag limits reductions to sea ducks in 1999 and 2001. State waterfowl biologists write: "The department does not have concerns that sea ducks are being over harvested and concludes that further restrictions to hunting will not provide conservation benefits to regional winter aggregations or populations of sea ducks." We believe that the biologist's conclusions should be validated by maintaining the previous bag limit.

Upon receipt of the information concerning Proposal 117-15C I felt compelled to write this letter in support of your efforts to repeal this proposal. Not only is this proposal outside of the scope of biological necessity, this proposal will deprive hunters whom travel to this area from in state and out of state to enjoy the opportunities which Kackemak Bay has to offer. If this proposal passes, this proposal will make it impossible for out of state hunters to have access to hunting this area due to the fact that the only guiding operation in this area will be forced to close it's doors. The thoughts of not being able to visit Alaska on any further dates to hunt Kackemak Bay are tragic to myself and all of the hunters in Tennessee and Alabama which I have personally hunted with and have planned trips to hunt this area on future dates with.

I hate to see an uneducated decision to be made about regulatory changes to the duck hunting bag limits of this area. I have only had one day to respond to this situation after learning of the proposal. Because of the limited amount of time, which I have had to respond to this finding, I have only acquired a limited number of signatures of persons from Tennessee whom have signed a petition to repeal Proposal 117. I do hope however that Alaska government understands the concern generated by the number of signatures on this petition, which was generated in a one-day period. If I had been made aware of this situation earlier the petition would be very voluminous in nature.

I hope that all whom view this letter and petition are aware of the financial support generated by out of state hunters for the over all economy of the state of Alaska. We as hunters in the state of Tennessee are not asking that the state of Alaska make any decision, which is biologically unsound. However, this proposal is certainly far from

unsound in nature. Any attention given to this matter would be greatly appreciated and we hope that the joys of hunting the great state of Alaska do not become out of reach for the hunters of not only Tennessee but also all other states in this country and others. Please note the attached petition to repeal proposal 117 and feel free to contact me with any further concerns or questions, which I may answer (423-847-7780).

Sincerely,

Josh Melton

Cc: Governor Sarah Palin
Alaska Board of Wildlife

Sign here to support repeal of lowered sea duck bag limits

Board of Game
4/2/09
re: petition to repeal proposal 117

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Dropping of the bag limit is not necessary and was pursued for an individual's personal benefit and was not based on any scientific necessity.

Signature	printed name	address
	CHAS. A. PIPER JR.	BOX 15533 FRITZ CK.
	CLIFF CALKINS	BOX 2020 H/Omer 99603
	Anthony Gilliam	552 Bonanza Homer
	LARRY HAAPALA	P.O BOX 15405 FRITZ Creek
	Brian Jones	P.O.Box 15416 Fritz Creek
	Tammy Jones	PO Box 15416 Fritz Creek
	Dennis Haunschild	Box 2160 HOMER, 99603
	Len Fabick	Box 1331 Homer AK 99603
	MARK MILLSPAUGH	3848 PENNOCK HOMER
	JAMES KINNARD	POBox 2954 HOMER AK 99603
	JERRY JOHNSON	34780 BEAR COVE. RD HOMER 99603
	Charles D Edwards	Box 1413 Homer, AK 99603

Board of Game
4/2/09
re: petition to repeal proposal 117

Signature	printed name	address
John Ketelle	John Ketelle	P.O. Box 0469 Homer
Keith Kalke	KEITH KALKE	PO BOX 1900 Homer
Thomas H Hagberg	THOMAS HAGBERG	P.O. 175 Anchor Pt.
James E. Chauss	JAMES E. CHAUSS	3815 EAST END Rd.
Philip Meacham	Philip	80 Box 2389 Homer
Col H Belmonte	Lt. Belmonte	59217 East End Rd., Homer, AK.
MARVIN PETERS	Marvin Peters	Box 2623 Homer AK
	ALEX MARCUSHA	R.O BOX 1765 HOMER AK 99603
Arlyn Rieper	Arlyn Rieper	P.O. Box 2241
Deborah Rieper	Deborah Rieper	BOX 15233, Fritz Creek AK

Sign here to support repeal of lower sea duck limits

Board of Game
4/2/09
re: petition to repeal proposal 117

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Signature	printed name	address
Samuel Capra	Samuel Capra	P.O. Box 2951 Homer
Colt Belmonte	Colt Belmonte	59217 East End Rd.
Staci Murphy	Staci Murphy	POB 1215 Homer
Larry Boone	Larry Boone	P.O. Box 261 Homer
Merritt Snyder	Merritt Snyder	37690 #3 Crew Rd Homer
Tim Bower	TIM BOWER	BOX 2980 HOMER
Emil Nelson	EMIL NELSON	BOX 130 Homer
Barak Obama	BARACK OBAMA	White House
William R. Murray	William R. Murray	59905 Kenai Woods Ct Hom
Jesse Nelson	Jesse Nelson	BOX 130 Homer
Kenneth Quinn	Kenneth Quinn	3625 East Rd Homer
Kurt St. Jean	Kurt St. Jean	722 Waddell St Homer

Board of Game
4/2/09
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Kurt Enselen

Board of Game
4/2/09
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ETHAN WALDVOGEL
159 MOUNTAIN VIEW UNIT B
HOMER, ALASKA 99603

Name: Patrick J Dunn

Address: PO Box 1411

City: Ennis State TX Zip 75120

Phone: 2145155000

Fax:

Email: pjd@prodigy.net

Comments: The guide in Soldovia 'Buck Brown' is the best conservationist for waterfowl in that region, he is your best reference for duck populations in that region! I have hunted with him many times and no problem achieving my limit of ducks in that region. The population is not only stable it is awesome!!!

Questions About Your Use of Area

- Do You Hunt Sea Ducks in the Area?
- Are you a Resident of the Area?
- Are you a Resident of the Alaska?
- Do You Just Care About the Biology of the region?
- Do you use the area for other reasons?

I Certify the Above Information and Sign This Petition (Name)

Patrick J Dunn Sr

Submit

We thank you for your support and will add your comments and signature to be presented to the Alaska Board of Game.

* Name: Mike Devenport

* Address: 2631 Brookstone Loop

* City: Anchorage * State AK * Zip 99515

Phone: 907-522-4541

Fax: 907-561-4698

* Email: mike@alaskainsulation.com

Comments:

Questions About Your Use of Area

- [x] Do You Hunt Sea Ducks in the Area?
- [ ] Are you a Resident of the Area?
- [x] Are you a Resident of the Alaska?
- [ ] Do You Just Care About the Biology of the region?
- [x] Do you use the area for other reasons?

I Certify the Above Information and Sign This Petition (Name)

Submit

We thank you for your support and will add your comments and signature to be presented to the Alaska Board of Game.