NORTH SLOPE BOROUGH

Department of Wildlife Management

P.O. Box 69 Barrow, Alaska 99723

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RAYNITA "TAQULIK" HEPA, DIRECTOR

November 2, 2011 Hazel Smith Alaska Department of Fish & Game Boards Support Section P.O. Box 689 Kotzebue, Alaska 99752

Subject: North Slope Advisory Committee Comments on proposals to the Board of

Game that will be heard at the November 2011 meeting in Barrow.

Dear Ms. Smith:

The Arctic Advisory Committee (Arctic AC) held a meeting on November 2, 2011. A quorum was present including members: Enoch Oktollik (Chairman, Wainwright), William Hopson (Vice Chairman, At-Large), Charles Hugo (Anaktuvuk Pass), Ben Itta (Barrow), and Charlie Nageak (Kaktovik).

The North Slope AC unanimously supported <u>Proposal 31-5 AAC 85.045(a)(240)</u> which would reauthorize the antierless moose season in 26A. The proposal allows resident hunters to harvest and antierless moose when other resources are not available. This season benefits residents of Nuiqsut and Barrow and provides the opportunity for a summer cow moose harvest.

The North Slope AC unanimously supported <u>Proposal 32- 5 AAC 92.015</u> which would add unit 26A to the list of areas where a brown bear tags is not required. The committee believed that requiring local hunter to purchase a tag will deter them from harvesting a brown bear.

The North Slope AC unanimously opposed <u>Proposal 33- 5 AAC 85.057</u> which would open the resident and non-resident season for 1 wolverine in August in Unit 26. The committee believes that wolverine hides are in poor condition in August and that harvesting an animal in August would waste a resource that would have been available in prime condition later in the season.

North Slope

Thank you for considering the Aretic Advisory Committee's recommendations and comments on these proposals.

Michael Pederson, Executive Manager

Arctic Advisory Committee

Peninsula Clarion Article Nov. 10, 2011

It's All About The Moose

In spite of the various public comments, editorials, radio spots, etc. about predator control plans and aerial wolf management on the Kenai Peninsula recently, one indisputable fact remains. Our moose population is declining. In fact, in areas like subunit 15A (north of the Kenai river and west of the mountains), it has been declining for quite some time. As a member of one of our local fish and game advisory committees, I've had the opportunity to hear a variety of perspectives and review a fair amount of research data related to our moose population.

One thing I find troublesome, however, is when facts and figures are misquoted and/or applied incorrectly or out of context. As an example, one recent letter claimed that wolves only kill 6% of the moose population. My intention is not to criticize that writer, but I am not familiar with any particular research study that makes that claim. There was one local study, however, that collared 50 moose calves and determined mortality causes during the first three months of life (back in 1982). From that study, 6% of the mortalities discovered were determined to have been caused by wolves. It's a stretch to take that information and claim that all wolves kill only 6% of all moose (if this was the study referenced to make that claim.) If that were true, then this same study would also suggest that black bears kill 34% of all moose; and if that were the case, we would not have any moose left.

Since our current predator control proposals contain a wide variety of data, we must recognize that it's not all necessarily interconnected, nor predictive. They contain information about overall populations of moose, area estimates of wolf populations, bull:cow ratios, calf:cow ratios, pregnancy rates, twinning rates, road kill numbers, historical data on fires, comments about habitat, etc. Heck, there are even rump fat indices.

How can someone sort all this out to form an educated opinion? I believe that by isolating the basic facts (and in doing so, taking care not to inappropriately interpret data or apply findings,) and by sticking to basic guiding principles, one can arrive at a reasonable understanding of the realities of the situation.

As for the basic facts, here is what we know:

Subunit 15A has been in Intensive Management Status for approximately 12 years.

Despite efforts and attention brought by the Intensive Management Status, moose in 15A have continued to decline and nothing has been done to change that trend.

Although there is some cause for concern about habitat, the only time that moose starve, is in high numbers, and during severe winters. (Also, there is little hope that any meaningful habitat enhancement will be conducted in this area due to high costs, concerns about uncontrolled burning, and cooperative issues in conducting these projects on federal lands.)

Fewer calves are surviving to breeding age, known as recruitment, which is a sign of further population decline. Low recruitment, coupled with older cows passing reproduction years, or falling prey to wolves during the winter (remember, wolves kill moose of all ages, all year long), has a compounding effect. Let's hope we don't also have a harsh winter.

To clarify our guiding principles, two things stand out:

Our State Constitution mandates that we manage wildlife for "maximum sustained yield, and for maximum benefit of the people."

A recent Alaska Supreme Court decision determined that management of moose and caribou populations takes priority over predators.

That being said, it's clear that we not only have the responsibility to manage our wildlife according to these tenants, but we have an urgent obligation to do so because of the need indicated by the facts.

Although some tend to focus on aerial shooting of wolves as the centerpiece of this issue, the reason for these proposals is to perpetuate a healthy population of moose for a wide variety of users. This particular method of management may not be palatable to some, but it's hard to argue its effectiveness in reducing the impact caused by wolves, which ultimately helps achieve the goal of bringing 15A out of Intensive Management Status.

Several years ago I attended a presentation by Mr. Corey Rossi, the current Director of Wildlife Conservation for ADF&G. One particular statement he made during that presentation has resonated with me ever since. He said "The measure of success of a predator control program is not in how many bears and wolves you kill. The true measure of success is in how many more moose or caribou you put back on the ground." I couldn't agree more, Mr. Rossi. You hit the nail on the head. It's All About The Moose....

Bob Ermold

Sterling Resident

Fox Creek Canyon Ridge Land Owners Association



Game Board Members please note,

November 7, 2011

Ariel wolf-shoots ("intensive management plan") won't be tolerated by Fox Creek Canyon Ridge land owners because it will kill our already devastated ecosystem. Due to you meeting 1000 miles beyond our lands (you seek to control) we are sending our OPPOSITION TO PROPOSALS 35 AND 36 via Alaska Wildlife Alliance.

Reality is, wolves and other predators here are so rare, rabbits are over-populated, starving, and devouring spruce saplings critical to replacing our bark beetle killed forest. This once abundant old-growth ecosystem (you call GAME UNIT 15C) is struggling to survive the beetle epidemic and habitat destruction of Bradley Lake Dam-- and ongoing unregulated hunting, and trapping.

Wolves, coyotes, and lynx have been exterminated, here, to the point rabbit-excess

is unprecedented and no "natural cycle."

The rabbit problem was caused by Alaska Department of Fish and Game allowing an over-kill of lynx a key predator," said Kenai National Wildlife Refuge Ecologist Mark Laker.

Such rabbit activity has never occured as far back as 30 years— see photos (pages 2 and 3) taken on GMU 15 C's Fox Creek Canyon rim November 2011. Rabbit overpopulation is so extensive the Kenai Peninsula Borough's reforestation program is compromised by voracious bunnies.

"To prevent one million spruce seedlings from being devoured we've coated them with gallons of rabbit-repellent from the local feed-store," said KP Borough Spruce Bark

Beetle Mitigation Manager, Duane Bannock.

As the rabbits prove, more, not less, wolves are needed in **Game Units 15C, 15A**, and borough wide. Obviously, **Prop 35 and Prop 36 are not only absurd but illegal** in serving vested-interest hunters' groups at the expense of valuable ecosystems belonging to all Alaskans.

AK Fish and Game says, cow to bull ratios are down so more wolves must be killed *"intensively managed."* Their cartoon is, wolves, not hunters, are gunning for trophy

bulls.

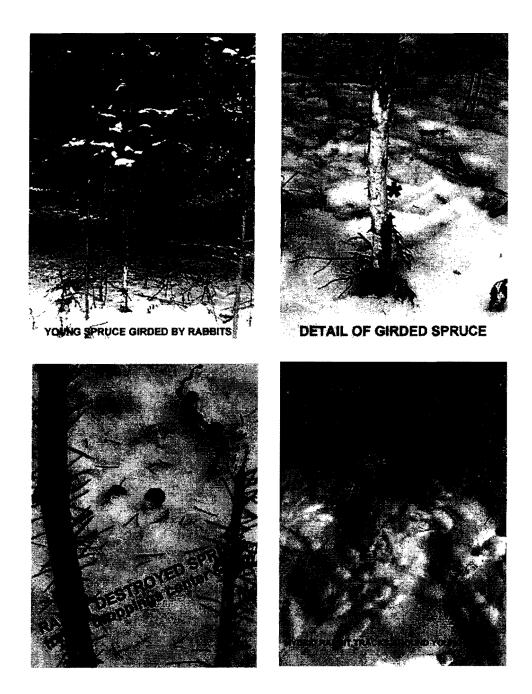
The public sees this for what it is—just BULL. AK Fish and Game is proposing an illegal give-away of wildlife they are sworn to hold in safe-keeping (for ALL ALASKANS) under the Public Trust Doctrine.

Sincerely, Ingrid Peterson, President Fox Creek Canyon Ridge Land Owners Assoc.



PAGE TWO: PROP 35 &36 OPPOSITION Fox Creek Canyon Ridge Land Owners Association

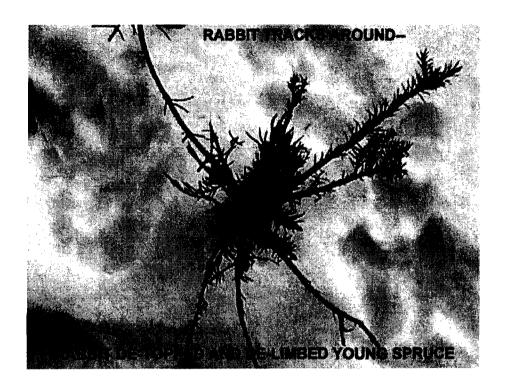
GMU 15 C/TWO MILES NORTH OF KACHEMAK BAY/ FOX CREEK CANYON RIM/ 11-6-2011

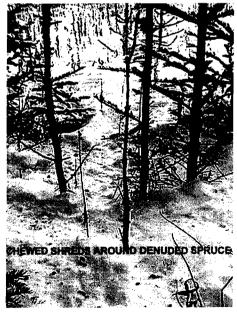


BOX 3640 HOMER, AK. 99603 ourfcc@horizonsatellite.com 399-3058

PAGE THREE: PROP 35 &36 OPPOSITION Fox Creek Canyon Ridge Land Owners Association

GMU 15 C/TWO MILES NORTH OF KACHEMAK BAY/FOX CREEK CANYON RIM/11-6-2011







BOX 3640 HOMER, AK. 99603 ourfcc@horizonsatellite.com 399-3058

PROPOSAL 7A RC21

5 AAC 85.045 (a)(16) Hunting seasons and bag limits for moose.

Resident
Open Season
(Subsistence and
General Hunts)

Nonresident Open Season

Units and Bag Limits

(16)

Unit 18, Lower Yukon Area, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik, and excluding all Yukon River drainages upriver from Mountain Village

RESIDENT HUNTERS:

2 moose; only one may be an antlered bull; prior to Oct. 1, a person may not take a calf or a cow accompanied by a calf Aug. 1-Last day of Feb.

NONRESIDENT HUNTERS:

1 antiered bull Sept 1-Sept 30

[1 ANTLERED BULL; OR 1 MOOSE]

[AUG. 10-SEPT. 30] [DEC. 20-FEB. 28]

[SEPT 1-SEPT 30]

Proposal 20A RC22

$5\ AAC\ 85.065.$ Hunting seasons and bag limits for small game.

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(3)		
Ptarmigan (rock, willow, and white - tailed)		
Units 8 - 10, 17, 19, [-19,] 21, 24, 25 (except 25(C)), and the Dalton Highway Corridor and Prudhoe Bay Closed Area in Unit 26(B)	Aug. 10 - Apr. 30 (General hunt only)	Aug. 10 - Apr. 30
20 per day, 40 in possession		
Unit 18 50 per day, 100 in possession	Aug. 10 – May 15 (General hunt only)	Aug. 10 - May 15

CENTRAL KUSKOK WIM ADVISORY

(RATIFIED BY COMMITTEE

Proposal 21 (The Real One), November 1, 2011

Create new boundary language for Game Management Unit 18 to read:

The area draining into the Yukon River downstream from a line starting at the <u>down river</u> boundary of Paimiut on the north bank of the Yukon River then across the river to the south bank to the northern terminus of the Paimiut Portage, proceed south through the Portage to the mouth of Hooking Creek on the northeast corner of Arhymot Lake, follow the northern and western bank of the lake to the head of Crooked Creek, follow the north bank of the creek downstream to the northern terminus of the Crooked Creek to Mud Creek Tramway, follow the tramway south to Mud Creek, follow its west bank downstream to First Slough, follow the west bank of the slough downstream to its confluence to the Kuskokwim River, follow its north bank downstream to the <u>down river</u> boundary of Sam Savage's fish camp then across the river terminating on the south bank of the river at the <u>down river</u> boundary of Dick Nash's fish camp. (All are clearly visible land marks.)

Create new language for Game Management Unit 19 to read:

The area draining into the Kuskokwim River upstream from the down river boundary of Sam Savage's fish camp on the north side of river and the down river boundary of Dick Nash's fish camp on the south side; and the area draining into Crooked Creek upstream from the northern Terminus of the Mud Creek to Crooked Creek Portage Tramway. (All are clearly visible land marks.)

Create new language for Game Management Unit 21 to read:

The area draining into the Yukon River upstream from the down river boundary of Paimiut on the north shore of the Yukon River and, directly across the river, the northern terminus of the Paimiut Portage on the south shore of the Yukon River. (Both clearly visible land marks.)

The area **east** of the boundary and **south** of the **High Portage Ridge** would be part of **GMU 19**, since this area drains into the Kuskokwim River. (Clear visible land marks.)

The area *east* of the boundary and *north* of the *High Portage Ridge* would be part of *GMU 21*, since this area drains into the Yukon River. (Clear visible land marks.)

AC23

ISSUE: The confusing boundary dividing GMU 18, 19 and 21.

<u>WHAT WOULD HAPPEN IF NOTHING IS DONE</u>? Many hunters and enforcement personnel would still not know where the real boundaries are. There is no definite language explaining where the "straight line" begins or ends. Does the line start at the "downriver", "center" or "upriver" boundary of Paimiut or Lower Kalskag?

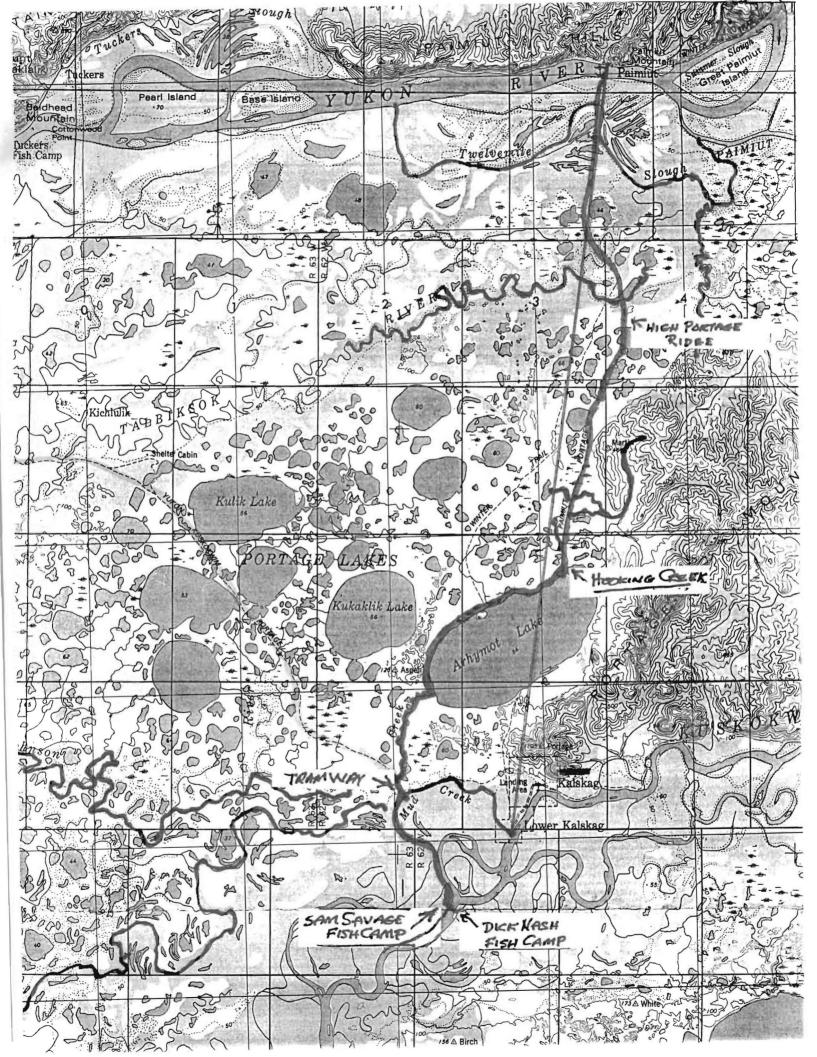
WILL THE QUALITY OF THE RESOURCE OR PRODUCTS PRODUCED BE IMPROVED? The boundaries would be clear, definite and visible. There would be no more confusion as to where the boundaries begin and end.

WHO IS LIKELY TO BENEFIT? Hunters and enforcement personnel would know exactly what GMU they are in.

All hunters traveling up river on the Yukon and Kuskokwim Rivers to GMU 19 and 21.

All hunters from Lower Kalskag and Kalskag would benefit most by regaining their customary and traditional hunting lands in GMU 18 and 21. These lands are presently included in GMU 18 and 21. This would also clarify the issue of "no man's land" east of the boundary line and north of Kalskag and Lower Kalskag and south of High Portage Ridge. High Portage Ridge geographically separates the Yukon River and Kuskokwim River drainages. All drainages north of the Ridge flowing into the Yukon would be in GMU 21 and all drainages south of the Ridge flowing into the Kuskokwim would be in GMU 19.

WHO IS LIKELY TO SUFFER? No one would suffer if this proposal is adopted. Contrary to what many outsiders of this area are saying we are not trying to stop anyone from hunting in this area-we only want hunters from outside this area to know where they are and where the legal boundaries are. We want them to be physically and legally safe.



RC 24

November 11, 2011

Ms. Kristy Tibbles, Board Support P.O. Box 115526 Juneau, AK 99811-5526

Re: Agenda Change Request regarding brown bear hunting on the Kenai Peninsula

Dear Ms. Tibbles,

The Kenai/Soldotna Advisory Committee voted to submit an agenda change request to the Board of Game meeting to be held in Barrow, AK beginning November 11, 2011. The proposal is to replace the current limited-permit draw hunt with an open registration hunt for Units 7 and 15. The proposed season is September 15 to November 30 and harvest will be regulated by an established quota and short reporting period. The Central Peninsula Advisory Committee has also polled its members and has informed us that they are in support of this proposal as well.

Our committee and others on the peninsula, have requested the local Fish and Game staff to increase the number of permits issued or implement a registration hunt for hunting brown bears for years, with no success. In every AC meeting concerning game issues, the concern for too many brown bears comes up, resulting in many heated discussions over nothing being done by Fish and Game. Brown bear density has increased on the Kenai but hunting opportunities have not. In recent years, the majority of the bears killed locally were killed as defense of life or property or by department staff for public safety concerns. We believe licensed-hunters should have an opportunity to take these bears instead of department staff or being killed in defense of live or property.

Further, the current permit hunt has not resulted in an adequate harvest, nor would it be, given the current quota set by the department, even if all 100 permits were issued. Likewise, the fall portion of the permit hunt has been unnecessary due to the quota being met or close to it. Waiting for this issue to come up in 2013 will result in too much lost hunting opportunity, and with the amount of public testimony that we face regularly, we find it prudent to make this request.

Respectfully,

Bill Tappan Kenai/Soldotna Fish and Game AC Chair

Tibbles, Kristy R (DFG)

From:

joe want [wantj43@gmail.com]

Sent:

Thursday, November 10, 2011 1:28 PM

To:

Tibbles, Kristy R (DFG)

Subject:

Re: Agenda Change January BOG Meeting

The following is a request to schedule for the January Board of Game meeting a regulation change that will require a waiting period of twenty four (24) hours before harvesting a dall sheep after a hunter has been airborne.

Reason:

To mitigate the in the field conflicts between sheep hunters using aircraft for transportation and sheep hunters using other methods.

Thank you for your help.

Please notify Ted Spraker of this request.

Joseph Want

PO Box 10044

Fairbanks, Alaska 99710

9807-457-4736

Again thank you for your help.

Joe

On Thu, Nov 10, 2011 at 1:42 PM, Tibbles, Kristy R (DFG) < kristy.tibbles@alaska.gov > wrote:

HI Joseph,

Per the board's agenda change request policy, they will need to know the reason for the request. Can you send another request to me but include the reason why you'd like the board to consider it at the statewide meeting?

I will let Ted know of your request.

Kristy

From: joe want [mailto:wantj43@gmail.com] Sent: Thursday, November 10, 2011 11:06 AM

To: Tibbles, Kristy R (DFG)

Subject: Agenda Change January BOG Meeting

The following is a request to schedule for the January Board of Game meeting a regulation change that will require a waiting period of twenty four (24) hours before harvesting a dall sheep after a hunter has been airborne.

Thank you for your help.

Please notify Ted Spraker of this request.

Joseph Want

PO Box 10044

Fairbanks, Alaska 99710

9807-457-4736

RC 26

Hunters Who Report Their Own Regulatory Violations Issue

Fairbanks Advisory Committee

November 9, 2011

The FAC requests that the Board of Game discuss the relationship between the steps in codified regulation concerning self-reporting of violations and the present direction used by Wildlife Protection in the investigation and prosecution of those same "self-reporters".

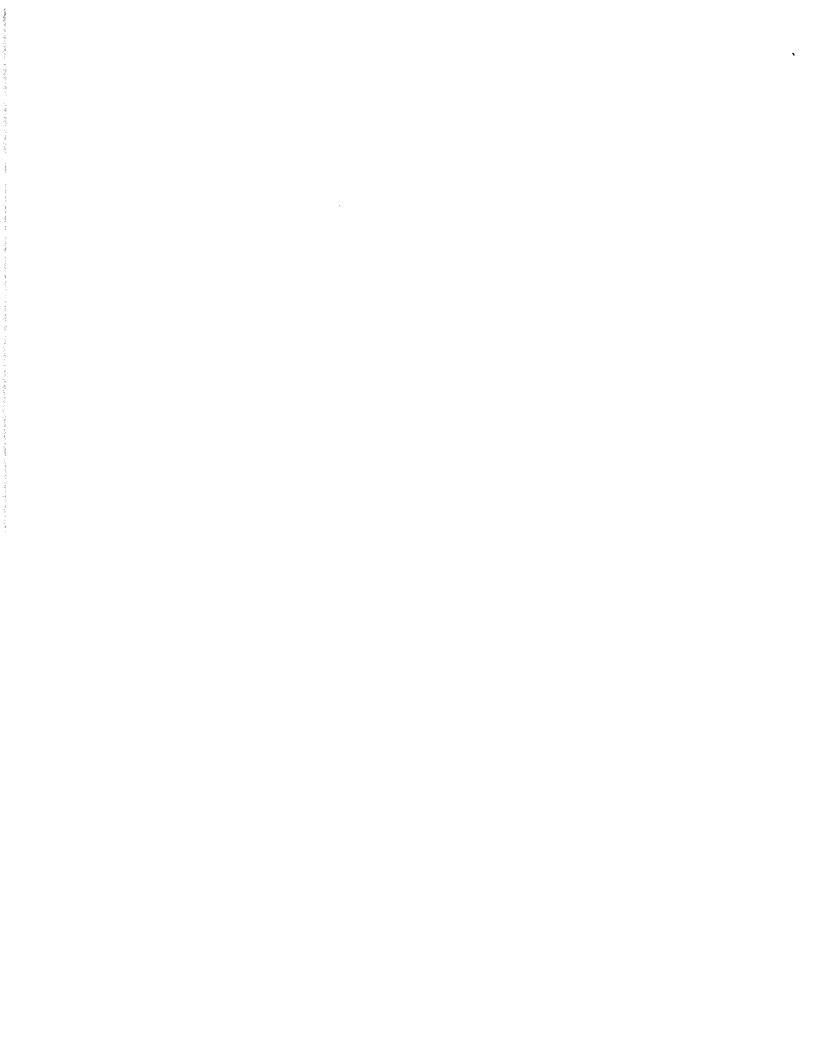
There is a serious discrepancy between the regulatory "directions" for hunters who make a mistake in the field, i.e. below the required antler spread for moose, the details required for locating bear bait stations and even shooting animals accidentally, and the actions of Wildlife Protection officers who investigate and prosecute them. Further every discussion our AC has held with the public (and the BOG) has highlighted the need for leniency for those who turn themselves in, report in a timely fashion, recover and turn in all meat and required parts of an illegal animal. The implication is that by doing "the right thing" someone who makes a mistake will be subject to the lowest end of the prosecution "range". At present, the trooper and judicial system is hammering these offenders with investigatory abuse and high fines. The result of this discrepancy is hunters will walk away from "mistakes" because the penalty will be just as high if they self-report their actions and recover and turn in their animals.

The Wildlife Protection officers and the courts have too much discretion. Uneven treatment between individual officers, regions and judicial regions needs to be changed so that a standard menu results in minor penalties for those who do everything by the book after they recognize their mistake and those who are deliberate, repeat, or trying to avoid detection offenders.

We have little sympathy for those who deliberately violate the regulations. Our concern is for hunters who make an error in the field. Such as unlawful harvest a moose in an area that has an antier configuration restriction of spike fork, 3 brow tines or 50 inches. We're talking about the hunter who is "almost there" but missed a bit on the antier spread or missed a tine that was not visible from 100 yards out. Those that realize upon closer inspection the moose does not meet the regulations for a legal harvest.

It is common practice for those hunters who have satellite or cell phone reception to immediately contact enforcement to either let them know what happened, or to ask how they should proceed. We are aware of several instances where the hunter salvaged all of the moose including the antiers. The moose were then immediately transported out of the field and the hunter re-contacted or contacted enforcement to surrender it. We use the "moose" example because it is by far the most common self-reported scenario. After the moose is surrendered to the proper authorities here's what happens.

1. The wildlife trooper takes a statement from the hunter as to what took place that resulted in the unlawful harvest of the moose.



- 2. Most commonly the wildlife trooper confiscates the moose and antlers.
- 3. Next a Class A misdemeanor citation is written to the individual who unlawfully took the moose. (This requires a mandatory court appearance.)

What most commonly happens at court is the self-reporting hunter is given an opportunity to plead guilty and if he/she does, the District Attorney is willing to reduce the Class A misdemeanor to a violation and reduce the amount of a fine required by the higher charge. (Commonly from \$500 to \$300.)

Since the Class A misdemeanor penalty can be a much higher fine and/or a jail sentence and the hunter has turned him or herself in, the minimum fine is seen as the fairest solution. However, some judges don't include in the "offer to reduce " the idea that restitution MAY be added to the fine. Judges who commonly add a \$1,000 fine, even though the animal was recovered and turned in for use, take this penalty way out of the "fair" definition. The reduced "violation" citation now carries a penalty or \$1,300 or more.

It is our opinion that this higher penalty results in hunters "learning" that turning themselves in for these violations not the thing to do. Far better to risk being caught and that is very unlikely. By the present practice, we are teaching hunters and their friends and families that it is too expensive to follow the present regulations.

We do realize as law makers and leaders in our state you don't always know how a statue will affect the common law abiding citizen. We realize these penalties were though of for person who got caught infracting the law or regulation.

We are not asking for those who did make an error in judgment in the field. To go unpunished. Nor for the person to make another bad judgment by trying to hide what he or she had done. But to encourage those who have broken the law to turn themselves in. with a penalty for what they have done.

We will present our concerns to legislators with the hope that they will begin a discussion that will solve this problem. We have two suggestions for amendments to the statute that we feel would work.

We have laid out 2 statues we would like to see amended.

Sec. 16.05.925. Penalty for violations.

- (a) Except as provided in AS 16.05.430, 16.05.665, 16.05.722, 16.05.723, 16.05.783, 16.05.831, 16.05.861, and 16.05.905, a person who violates AS 16.05.920 or 16.05.921, or a regulation adopted under this chapter or AS 16.20, is guilty of a class A misdemeanor.
- (b) In addition to a penalty imposed under (a) of this section or any other penalty for violation of this title or a regulation adopted under this title, a person who is convicted of unlawfully taking an animal

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listed in this subsection may be ordered by the court to pay restitution to the state in the amount set out in this subsection for each animal unlawfully taken:

(1) Bear, black	\$ 600
(2) Bear, brown or grizzly	1,300
(3) Bison	1,300
(4) Caribou	850
(5) Deer	400
(6) Elk	800
(7) Goat	800
(8) Moose	1,000
(9) Musk oxen	3,000
(10) Sheep	1,100
(11) Wolf	500
(12) Wolverine	500.

AMEND STATUTE:

By adding language.

No restitution shall be orderd by the court for those who have self-reported their violations and otherwise followed the regulation for salvage.

Self-reported is defined in this chapter as: A person who has unlawfully harvested big game with regulatory reqirements for antier/horn configuration or sex restrictions. They must have salvaged the game and immediately surrendered all of the salvaged game and antiers/horns to the appropriate state authorities.

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- (a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law.
- (b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than
- (1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, promoting prostitution in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in the first degree;
- (2) \$250,000 for a class A felony;
- (3) \$100,000 for a class B felony;
- (4) \$50,000 for a class C felony;
- (5) \$10,000 for a class A misdemeanor;
- (6) \$2,000 for a class B misdemeanor;
- (7) \$500 for a violation

AMEND STATUE:

Add language:

Except; A self- turn in will be penalized by violation and 1 years' probation and no fine shall be imposed.

Self-turn in is defined in this chapter as: A person who has unlawfully taken big game that have an antier/horn configuring or sex restriction by regulation for harvest. They must have had salvaged the game and immediately surrender all of the salvaged game and antiers/horns to the appropriate state authorities.

The Fairbanks AC request that the Board of Game support the concept of clarifying the penalty for self-reported violations and take whatever actions within their authority to change regulations to reflect this intent. It is our intent to provide proposals to the Board at the appropriate time.

		•

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

P.O. BOX 25526 JUNEAU, AK 99802-5526 PHONE: (907) 465-4100 FAX: (907) 465-2332

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

MEMORANDUM

TO:

Alaska Board of Game Members

THRU:

Kristy Tibbles, Executive Director, Boards Support Section

FROM:

Dale Rabe, Deputy Director, Division of Wildlife Conservation

DATE:

November 12, 2011

SUBJECT:

Agenda Change Request to consider changes to 5 AAC 92.003, education regulations for

sheep hunting in Unit 25A, during the March Interior Board of Game Meeting.

The Alaska Department of Fish and Game (Department) requests the Board of Game (Board) accept this Agenda Change Request to consider changes to the hunter education requirements for sheep hunting in Unit 25A. Specifically the Department is interested in having the Board consider changes to sheep hunting regulations that threaten to restrict or elimate hunting opportunity because of trespass problems that have been occurring for many years in the area of Red Sheep Creek and Cane Creek within the Federal Arctic Village Sheep Management Area. The Department is currently working in collaboration with many parties including State, Federal, Tribal, and private to refine the specifics of this concept and intends to submit a proposal to require an orientation class be completed prior to sheep hunting in this area.