

ACR #11 – Establish a Tier II hunt in regulation for the Nelchina caribou herd in Unit 13.

SUBMITTED BY: Alaska Department of Fish and Game

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC. 85.025. (8) Hunting Seasons and bag limits for caribou

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

The Nelchina caribou herd has a positive customary and traditional subsistence use finding in Units 12 and 13, and is currently under the population objective. The harvestable surplus for 2022 (1015) was just above the upper end of the amount reasonably necessary for subsistence (ANS), which is 600-1,000 caribou. It is possible that the harvestable surplus in the future 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). Existing regulations do not include a Tier II hunt which is the next legal step according to the state subsistence law at AS 16.05.258 (b)(4), which provides that the Board of Game must limit participation by eliminating all consumptive uses other than subsistence uses and distinguish among subsistence users by applying two criteria.

WHAT SOLUTION DO YOU PREFER?

Establish a Tier II hunt 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 assure that the population is maintained on a sustained yield basis and to allow for the continuation of subsistence uses.

STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:

1) To correct an error in regulation.

Not applicable.

2) To correct an effect of a regulation that was unforeseen when a regulation was adopted.

Not applicable.

3) Does the request identify a biological concern for the population or a threat to meeting objectives for the population?

Not applicable.

4) Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?

Yes, the low population numbers are an unforeseen, unexpected event that potentially restricts a reasonable opportunity for customary and traditional 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 amount reasonably necessary for subsistence 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 has a positive customary and traditional use finding and 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.

- 5) Does the request identify 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 because the resource would be unavailable in the future?**

Not applicable.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?

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 we would 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.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This ACR is not predominately allocative because it does not allocate game or opportunity; instead it addresses an absence of regulations needed to continue to provide for the subsistence take of the Nelchina caribou herd. If the issue is not addressed out of cycle and if the harvestable portion of the herd is lower than it was this year, the department will have no other course of action other than to drastically reduce all hunting opportunity, which may result in an inability to provide reasonable opportunity to take Nelchina caribou.

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

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

Alaska Department of Fish and Game,

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

This ACR has not been considered before.