

RESOLUTION
BOARD OF GAME

Emergency Session - Anchorage, Alaska

To comply with the court's order by adopting a resolution expressing the board's reasons for disagreeing with the court order, but (under protest) directing the Department to begin implementing the court-ordered Tier II hunt. However, the board will delay adoption of an emergency regulation until

(1) the Supreme Court acts on the motion for a stay

or

(2) until the board reconvenes in two weeks.

Date

Richard Burley, Chair
Board of Game

MM SW

2nd Jacks

7/29/92

5:20 P

OK 5:34 P

7/29/92

6-0-1

RESOLUTION
BOARD OF GAME

The Board of Game met on July 29, 1992 in Anchorage, Alaska to take action on the final judgement of the superior court ordering the board to implement a Tier II hunt from September 1-20 in GMU 13.

The board met in public meeting for eight hours on July 29 and considered reports from the Alaska Department of Fish and Game concerning the anticipated effect of the court-ordered Tier II hunt. Based on information received today as well as the previous meeting on June 23, 1992, the board concluded that it was not in the best interests of the public or the game resource to implement the court-ordered Tier II hunt. However, in a good faith effort to comply with the court's order, the board adopted the following motion:

"To comply with the court's order by adopting a resolution expressing the board's reasons for disagreeing with the court order, but (under protest) directing the Department to begin implementing the court-ordered Tier II hunt. However, the board will delay adoption of an emergency regulation until

(1) the Supreme Court acts on the motion for a stay

or

(2) until the board reconvenes within two weeks."

This motion and the reasons for the motion are succinctly summarized in the following statement from board member, Roger Huntington:

"I'm just a freshman board member and I'm already getting disgusted, my stomach is turning and I'm getting pretty upset here. I have other personal priorities and I don't want to be wasting my time playing these little games. I've watched the Board over the years, I've watched my dad for many years operate. The Board, in the past, has been very professional. I have before me here - just on this page here - ten years of evidence of historical data of professional managers to provide information to the Board. The record shows on that particular page where it deals with subsistence take in line with what the rules that were adopted by the Board on June 23rd. All the preliminaries and information that was brought to the Board at that time and in prior meetings were very technical in detail and done in a professional manner. The Board members have historically made decisions based on data that has some consistency to it. I think we ought to continue that. I think that we ought to depend on that data and I'm sure that as I go on record now as I did the last time be thrown out of context at some sentence I make. That's the

risk we take sitting on this Board. I feel that, damn it, if we're going to do our jobs, let's do it. And there's some risk in that, and if we don't want to take some risks let's get off this board. We stick to our guns and not get thrown around. I'm not saying that we defy the judge, I think that we have reason enough to tell the court that we cannot comply because it is law that we are the managers of the resource but in managing the resource we must be fair to all the users. And for the reasons stated here the confusion to the public, the overload of staff, the short notice for public application period causing for hunting planning time. Even myself I'm planning already. I've already done my planning for September 5 in the area, knowing I can't hunt in that particular area I'll hunt somewhere else. The impact on hunting in other areas. I want to shed a little light on that area. Over the recent years in the Koyukuk and Galena areas we're getting really impact from increased in hunting. What's this going to do? Are we going to go to Tier II in the Koyukuk and those areas too. I think this is going to perpetuate. It's unnecessary in light of the numbers provided. Everything is against it from the technical side and from a professional and sound judgment side I don't see how we can comply. Thanks."


In conclusion the board further determined the following:

1. The board cannot determine a shortage of harvestable moose which would fail to provide reasonable opportunity for subsistence moose hunters in Unit 13.
2. The short timeframe to comply with the Tier II hunt order will result in eligible subsistence hunters being eliminated from the hunt and losing reasonable opportunity to meet subsistence needs.
3. Displacement of moose hunters to other areas will likely result in unanticipated increases in competition in other areas, over harvests, and subsequently, regulation changes to compensate for the effects of hunter displacement; such regulatory changes cannot prevent impacts this fall.
4. The court's order does not take into account the extent of biological and human use data and public testimony which led the board to its reasoned decision on June 23, 1992 to authorize a 14 day Tier I hunt for moose in Unit 13.
5. The timeframe is too short to properly implement the Tier II hunt by September 1:
 - A. not enough time for the public, particularly rural subsistence users, to fill out and return applications.
 - B. will require the department to forego meaningful appeal process for those who don't receive permits.

- C. will likely be challenged by permit applicants who are denied permits and can't get a decision in time to hunt.
6. Confusion to Public. It would add confusion and inconvenience to the public who have made plans to hunt in Unit 13 during the Tier I hunt.
7. Management concerns:
- A. Hunter displacement; may exceed by logical capabilities in other units; possible over harvest in other units.
 - B. Adverse effect on compatibility of hunting regulations among other units.
 - C. Inconsistency caused by court management of hunts on case by case basis.
 - D. Court invalidating management methods (i.e., reliance on methods such as hunter success rates and effort) and policy decisions.
 - E. Impact on staffing drawn from other necessary management activities, effect of that on other hunts and resource management.
8. The board's finding that one moose per subsistence household is consistent with use patterns and one moose per household would satisfy the vast majority of subsistence users, was not made a finding that one moose per household was required, but rather that 2 moose per household was not required.
9. Failure of the court to take into account the federal subsistence hunt in Unit 13 for the plaintiffs.
10. In addition, as hunters continue to see the courts willing to issue temporary orders changing seasons or bag limits for individual hunters, the more likely they are to go to the court to get immediate access to specific hunts, thereby further disrupting the ability of the Board to function as a manager. The board should be allowed to do its jobs.
-
11. It would disenfranchise a large number of subsistence hunters by eliminating up to 1500 hunters otherwise eligible at Tier I.
12. The board did not rely exclusively on hunter success rates, but rather a number of factors.

For these reasons, the board adopted the motion under protest to comply with the Superior Court Judge Katz's order.

Dated July 29, 1992
Anchorage, Alaska



Richard Burley, Chair
Board of Game