

FINDING OF EMERGENCY

At the March 2005 Board of Game meeting, the Board adopted a proposal to revise the legal method of harvest (to allow firearms) for hunting small game in the Skilak Loop special management area of Kenai National Wildlife Refuge in Game Management Unit 15(A) from October 1 to March 1 annually.

The US Fish and Wildlife Service adopted a comprehensive conservation plan for Kenai National Wildlife Refuge in 1985 and a step-down plan for Skilak Loop in 1987 that promotes wildlife viewing. The Service is in the process of revising the 1985 refuge plan, but, at the time of the Board's action, had not anticipated detailed revisions to the Skilak Loop management plan.

Subsequent to the March meeting, three actions by the Service created additional factors that necessitate emergency action by the Board to repeal or delay the implementation of the provision to allow use of firearms for small game hunting beginning October 1, 2005:

- (1) In July 2005, the Service decided to preempt the Board's new regulation by drafting a permanent Federal regulation closing the Skilak Loop area to the use of firearms. Thus, State and Federal regulations will be in direct conflict. However, the Service has agreed to delay adoption of this closure regulation, pending the planning process outlined below, if the Board acts to withdraw or delay implementation of its regulation
 - (2) During FY 2005, the Service acquired a road grader and is seeking funding for additional improvements and maintenance of the Skilak Loop road. In August 2005, the state Department of Transportation committed to transfer the Skilak Loop road right-of-way and related spurs to the Service, after which the Service will be responsible for road maintenance. With funding possibilities for the refuge facilities maintenance in the recently passed Transportation Bill, the Service will be seeking grants to acquire the \$20 million funding needed to upgrade and pave Skilak Loop road as well as conduct year-around maintenance. The transfer and increased maintenance is anticipated soon, while the upgrade may take a few years. The Board of Game had not anticipated the likelihood of year-round use of the road when the regulation was adopted.
 - (3) On August 30, 2005, based on numerous suggestions for additional wildlife viewing and hunting opportunities in the vicinity of Skilak Loop road, the Service decided to prioritize updating the 1987 Skilak Loop step-down special management plan. This process will be cooperative with the Department of Fish and Game and will evaluate numerous options and revisions for management of wildlife viewing, hunting, and trapping. The resulting management plan revisions will likely entail additional proposals to the Board of Game for revisions to current hunting and trapping regulations. The resulting plan will then be rolled into the revision of the refuge comprehensive conservation plan. This process is likely to lead to additional conflicts with the Board's recently-adopted regulation.
- Collectively, these three changes create a situation that the Board concludes must be dealt with on an emergency basis, for the immediate preservation of the public welfare. Unless the Board's regulation is immediately withdrawn or delayed, the public will be faced with conflicting regulations and a highly desirable planning process will be jeopardized. Moreover, uses are likely to change in unforeseen ways as the road changes to year-round

use. The Board hereby finds that an emergency exists, and that the attached regulatory change must take effect immediately.

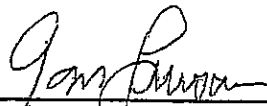
The Board of Game desires to delay implementation of the state's hunting with firearm regulation in order to allow maximum consideration of wide-ranging public use and species management options in the Skilak Loop area, anticipated to be completed and adopted through a full public process by spring of 2006. This action allows for timely and full consideration of the recent information concerning federal and state actions that arose subsequent to the March 2005 Board meeting and averts unilateral federal rulemaking.

ORDER CERTIFYING ADOPTION

I certify that the Board of Game, under the authority of AS 16.05.255 and AS 16.05.258, adopted at its Sept. 7, 2005, meeting the attached 2 pages of regulation changes as emergency regulations to take effect immediately upon filing by the lieutenant governor as provided in AS 44.62.180(3).

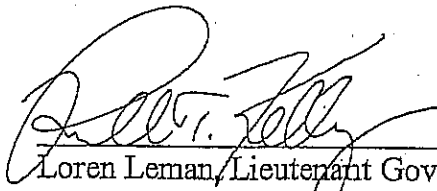
This action is not expected to require an increased appropriation.

DATE: 9/12/05
Juneau, Alaska


for McKie Campbell, Commissioner
Alaska Department of Fish and Game

FILING CERTIFICATION

Russell T. Kelly
I, Loren Leman, Lieutenant Governor for the State of Alaska, certify that on September 12,
2005, _____, at 4:03 p.m., I filed the attached regulations according to the provisions
of AS 44.62.040 - 44.62.120.

 For
Loren Leman, Lieutenant Governor

Effective: SEP. 12, 2005.

Register: 176, JAN. 2006.