

*The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Game meeting, March 18 - 28, 2016 in Fairbanks, Alaska, and are prepared to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final department positions will be formulated after review of written and oral testimony presented to the board.*

**PROPOSAL 103 – 5 AAC 92.071. Tier I subsistence permits.** Require Tier I subsistence permit holders to report harvest information.

**PROPOSED BY:** Alaska Outdoor Council

**WHAT WOULD THE PROPOSAL DO?** Require Tier I subsistence permit holders who participated in subsistence hunts for bison, black bears, brown bears, caribou, deer, elk, goats, moose, muskoxen, Dall sheep, wolves, wolverines, fur animals, and unclassified game (5 AAC 85.005–5 AAC 85.070) to submit a written report, on a form provided by the department, describing their effort to observe a customary and traditional use pattern as organized by eight elements.

**WHAT ARE THE CURRENT REGULATIONS?** There are reporting requirements established in statute for subsistence and other harvests based upon data needs (AS 16.05.370). In addition, regulatory reporting requirements for the game species encompassed by the proposal vary widely and are based on sustained yield, management, and enforcement needs. However, except for general requirements for reporting of all permit hunts as specified under 5 AAC 92.010. *Harvest tickets and reports*, there are no regulations specific to Tier I subsistence permit reporting. Most of the species listed are not managed under Tier I permits because of a lack of conservation concerns, thus providing for all uses including nonresidents.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** In addition to complying with hunt conditions as specified by the board, Alaskans who hunted under a Tier I permit would also be required to write a report describing their efforts. The department would be required to develop and distribute a form, and to capture, analyze, report, and maintain the data provided on the form by hunters.

**BACKGROUND:** The department agrees that harvest and hunter effort data pertaining to subsistence and other uses is important for allocation, sustainable resource management, and enforcement. The department invests significant resources in the collection of accurate, up-to-date harvest, use, and effort information. The department continually reviews its harvest monitoring research programs for accuracy and efficiency.

Harvest reporting and other requirements, such as sealing, evidence of sex, and trophy destruction vary according to management needs, which are often linked to the status of the game population. Options include harvest tickets, registration permits, community harvest permits, and

Tier I and Tier II permits. Subsistence harvest estimates are supplemented periodically by face-to-face surveys conducted by the department, often in partnership with local governments or regional organizations. Through these efforts, the department provides the board with the best available data on subsistence effort, harvest, and customary and traditional patterns of use. In addition, the board relies on its own expertise to gather such data, as well as extensive oral and written testimony from user groups.

Tier I means the circumstance where the board has identified a game population that is customarily and traditionally used for subsistence and where it is anticipated that a reasonable opportunity can be provided to all residents who desire to engage in subsistence uses, but resource abundance is insufficient to provide for nonsubsistence uses. For example, as required by law, in order to differentiate between uses so as to provide a preference for subsistence uses, the board has adopted permit conditions for RC566 (Unit 13 Tier I caribou hunt) that provide for a particular customary and traditional use pattern, such as a late summer- or fall-only season; offering this permit only for a few well-known and long-established areas; and no hide and organ meat salvage requirements. The board has also adopted regulations to provide for another customary and traditional use pattern of Unit 13 caribou with different hunt conditions and additional reporting requirements for CC001 (Unit 13 community caribou hunt). The board has explained their rationale for RC566 and CC001 hunt conditions both on the record, in court documents, as well as in a board finding (2011-184-BOG).

In RY2014, 5,596 RC566 permits were issued, and 2,172 caribou were harvested.

To estimate the number of Alaska residents likely to participate in Tier I hunts as well as the amount of the harvestable surplus reasonably necessary for subsistence uses, the board is presented with the best available information by the department, from both the Division of Wildlife Conservation and the Division of Subsistence. In addition, the board relies on its own expertise, as well as extensive oral and written testimony from user groups.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on the allocative aspects of this proposal and because the information would not be used to address a biological concern or for making allocation decisions. The department is **OPPOSED** to this proposal: current reporting requirements are adequate to manage game populations for sustained yield, beneficial uses, enforcement, and orderly hunts

The board has already adopted hunt conditions to provide an opportunity to participate in customary and traditional use patterns of Tier I permit opportunities currently offered. The department would incur significant expense in developing, distributing, and analyzing over 5,000 RC566 hunt reports, in addition to any reports for future Tier I opportunities. Adding this unnecessary reporting requirement would also be burdensome to hunt participants.

**COST ANALYSIS:** Adoption of this proposal is expected to result in significant costs to the department in staff time and administration. Adoption of this proposal may result in an additional

direct cost for a private person to participate in subsistence hunts: Alaskans would need to obtain a reporting form and then return the form to the department, which may necessitate travel to pick up the form, as well as mailing expenses.

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**PROPOSAL 104 – 5 AAC 92.010. Harvest tickets and reports.** Require hunters to submit a subsistence hunt report.

**PROPOSED BY:** Fairbanks Fish and Game Advisory Committee

**WHAT WOULD THE PROPOSAL DO?** Require Alaskans who participated in subsistence hunts for bison, black bears, brown bears, caribou, deer, elk, goats, moose, muskoxen, Dall sheep, wolves, wolverines, fur animals, and unclassified game (5 AAC 85.005–5 AAC 85.070) to submit a written report, on a form provided by the department, describing their effort to observe a customary and traditional use pattern as organized by eight elements.

**WHAT ARE THE CURRENT REGULATIONS?** There are reporting requirements established in statute for subsistence and other harvests based upon data needs (16.05.370). In addition, regulatory reporting requirements for the game species encompassed by the proposal vary widely and are based on sustained yield, management, and enforcement needs. They range from no reporting requirements (such as for hares and feral non-native game) to return of a harvest ticket (such as in many moose and caribou hunts) to physical sealing of harvested fur animals.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** In addition to complying with hunt conditions as specified by statute and the board, Alaskans would also be required to write a report describing their efforts; the department would be required to develop and distribute a form, and to capture, analyze, report, and maintain the data given on the form.

**BACKGROUND:** The department agrees that accountable data pertaining to subsistence and other uses is important for allocation, subsistence users, and enforcement. The department invests significant resources in the collection of accurate, up-to-date harvest, use, and effort information. The department continually reviews its harvest monitoring research programs for accuracy and efficiency.

Reporting requirements vary according to management needs, which are often linked to the status of the game population. Options include harvest tickets, registration permits, community harvest permits, and Tier I and Tier II permits. Subsistence harvest estimates are supplemented periodically by face-to-face surveys conducted by the department, often in partnership with local governments or regional organizations. Through these efforts, the department provides the board with the best available data on subsistence effort, harvest, and customary and traditional uses. In

addition, the board, relies on its own expertise to gather such data, as well as extensive oral and written testimony from user groups.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on the allocative aspects of this proposal, and because the information would not be used to address a biological concern.

The department is **OPPOSED** to a harvest reporting program as proposed because it would be in addition to existing reporting requirements, would be new to many hunts, and would be costly to implement. Considerable effort would need to be invested in over 200 communities to develop an effective system and encourage compliance, which may take years to accomplish, since many hunts currently do not have permits or reporting requirements. Without this effort, the results of the proposed system may be incomplete and inaccurate, and inferior to data currently available from multiple sources. The department would incur significant expense in developing, distributing, and analyzing hundreds of thousands of hunt reports for all the species encompassed by the proposal. Current reporting requirements are adequate to manage game populations for sustained yield, beneficial uses, enforcement, and orderly hunts. Adding this unnecessary reporting requirement would also be extremely burdensome to hunt participants.

**COST ANALYSIS:** Adoption of this proposal is expected to result in significant additional costs to the department in staff time and administration. Adoption of this proposal may result in an additional direct cost for a private person to participate in subsistence hunts: Alaskans would need to obtain a reporting form and then return the form to the department, which may necessitate travel to pick up the form, as well as mailing expenses.

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**PROPOSAL 105 – 5 AAC 92.070(a). Tier II subsistence hunting permit point system.**

Modify the qualification under the Tier II subsistence hunting permit point system.

**PROPOSED BY:** Rod Arno

**WHAT WOULD THE PROPOSAL DO?** Modify the qualification under the Tier II subsistence permit point system by deleting the three current measurements of an applicant's customary and direct dependence on the specific game population and replacing them with a single measurement, which would be the number of consecutive years in which the applicant has spent over 180 days per year in the noncommercial harvesting and preservation of wild fish and game within all of Alaska. Five points would be given for each year, up to 85 points.

**WHAT ARE THE CURRENT REGULATIONS?** To measure an applicant's customary and direct dependence on a Tier II game population, as is required by AS 16.05.258 (b)(4), the board has adopted into regulation three indicators and points:

1) the number of years in which the applicant has hunted on or eaten from the game population, plus the number of years in which the applicant would have hunted on or eaten from the game population but did not because state regulations canceled the hunt on the game population during a given year or years, or because the state did not issue the applicant a permit to hunt on the game population for which the applicant applied; one point is given for each year, up to 50 points;

2) the number of years in which a member of the applicant's household has hunted on or eaten from the game population, plus the number of years in which that member of the applicant's household would have hunted on or eaten from the game population but did not because state regulations canceled the hunt on the game population during a given year or years, or because the state did not issue that member of the applicant's household a permit to hunt on the game population for which that member of the applicant's household applied; .2 points are given for each year, up to 10 points; and

3) the amount of time during the year the applicant spends in the noncommercial harvesting of wild fish and game within the hunt area boundary:

(A) 0 days = 0 points;

(B) 1 to 6 days = 5 points;

(C) 7 to 27 days = 10 points;

(D) 28 to 48 days = 15 points;

(E) 49 to 69 days = 20 points; and

(F) 70 days or more = 25 points.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** Removing the focus on the Tier II population is likely not in compliance with AS16.05.258(b)(4)(B)(i), which states the board must distinguish among subsistence users through limitations based on “the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood.”

**BACKGROUND:** Current Tier II regulations measure an application according to two factors. Factor A is up to 85 points, applies to all Tier II hunts, and measures the applicant’s “customary and direct dependence on the game population for human consumption as a mainstay of livelihood” Specific questions are 1) the number of years the applicant has eaten from or hunted the Tier II population (up to 50 points); 2) the number of years a member of the applicant’s household has eaten from or hunted the Tier II population (up to 10 points); and 3) the number of days the applicant has hunted or fished in the Tier II hunt area (up to 25 points).

Factor B is up to 55 points, applies to all Tier II hunts, and measures the “ability of a subsistence user to obtain food if subsistence use [of the Tier II population] is restricted. Specific questions are 1) the availability of food to purchase (up to 25 points); and 2) the availability of gasoline to purchase (up to 30 points).

The board has addressed the Tier II permit point system on multiple occasions since the first regulations were adopted in 1985. The Tier II permit point system has also been the focus of court challenges.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on the allocative aspects of this proposal and is **OPPOSED** to this proposal because it is unlikely that the new regulation, if adopted, would be in compliance with AS 16.05.258(b)(4)(B)(i).

**COST ANALYSIS:** Adoption of this proposal is not expected to result in additional costs to the department.

