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MEMORANDUM

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME



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BOARDS

TO: Gustavus Advisory Committee

DATE: February 18, 2011

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FROM: Ryan Scott
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SUBJECT: Meeting notes

On Wednesday, February 16, 2011, the Gustavus members of the Icy Straight Advisory Committee met to discuss several wildlife topics. The meeting began at approximately 6:05 PM with committee members Dean Waguespack, Hank Lentfer, Sean Neilson, and Archie Kendall present; Craig Murdoch and Greg Streveler also attended.

This was the first in-person meeting between me and the committee members since being elected in October 2010. As group we briefly discussed the relationship between the department and the committee, and the Gustavus membership in the larger Icy Straight Advisory Committee. The committee had several questions and comments on various wildlife topics. I have tried to capture the general discussion below.

- Pleasant Island deer harvest, specifically the doe deer take
Committee members expressed concern with the doe harvest on Pleasant Island. The island is open to either sex harvest during the period Sept. 15-Dec. 31, and has a federal deer hunting season allowing the harvest of either sex during the period Sept. 15-Jan. 31 with a bag limit of six deer. I told the committee that I would review harvest data for the area and provide that information to the committee.
- 2010 Gustavus bull moose hunt (RM049)
Committee members relayed public comments and concerns regarding the 2010 moose season. Most concerns focus on the early closure of the hunting season, and that the 15 moose guideline harvest level (GHL) was not attained. I explained the committee that the emergency order was issued on Friday, October 1, 2010 closing the season at 11:59 PM on Sunday, October 3, 2010. At the time the EO was issued 13 bull moose had been taken and with two additional days to hunt the GHL could be reached. The GHL was set at 15 moose to be conservative with the harvest due to low bull to cow ratios and the number of calf moose counted in surveys and the calf survival estimates based on collared cow moose on the forelands. An aerial survey conducted on Saturday, October 2, 2010 resulted in only 5 bull moose being seen. Overall, hunters seem to be enjoying the hunt since the antler restriction has slowed the hunt pace and reduced the overall number of hunters participating. The committee discussed the possibility of eliminating the option for taking a spike/fork moose when the harvest approaches the GHL. I told the committee that I believe the department lacks the authority to implement this type of prohibition but I would check and it may be an idea for a proposal at a future Board of Game (board) meeting. The committee asked about moving the hunt to a later date (October 15-Nov 15). I will discuss this with Neil Barten and provide information to the committee.



- Reauthorization of the Gustavus antlerless moose hunt (DM043-DM045)

I asked the committee to vote on reauthorizing the Gustavus antlerless moose hunts because the hunts are required by Alaska Statute to be reauthorized by the board annually. Committee members relayed public comments and concerns related to antlerless hunts. The committee explained that difference between reauthorizing the hunts and the department holding the hunt is not understood. I explained that reauthorizing the hunt will provide a tool to use if a hunt is warranted in the future; and that the department does not have plans to hold an antlerless hunt. Additional discussion focused on communication between the department and the committee in regards to antlerless hunts. I will communicate to the committee the department's intentions early in the process if we feel an antlerless hunt is needed. The committee unanimously supported reauthorizing the antlerless hunt.

- 2011 bull moose hunt planning

The committee and I discussed the 2011 moose hunting season. The department will review current and historical survey data to determine the number of bull moose that can be harvested during the 2011 hunt. Research staff has recently developed a harvest model for the Gustavus moose herd and managers will be working with the model as another tool to help identify the appropriate harvest level. The committee had some questions concerning the model and I will try to arrange a time when Kevin White can speak to the committee. Additional surveys will be conducted this winter and spring and we will have a better harvest estimate in summer.

- Use of snares for taking wolves on the Gustavus Forelands

A proposal to allow the use of breakaway snares for taking wolves on the Gustavus Forelands was submitted to the board for consideration at the November 2010 meeting. The proposal was modified to include diverter wires and adopted. The use of snares and traps near communities can create concern and the committee was interested in steps the department would take to inform the public of the use of snares. A few ideas discussed include a trapper/community clinic, approaching trappers about the possibility of using the snares only in locations on the periphery of the Gustavus area, and implementing areas closed to trapping and snaring around Gustavus proper. I will look into organizing a clinic involving both trappers and residents prior to the next trapping season and will see if Craig Gardner can attend so he can explain the design and testing of the snare approved for use in Gustavus. I also suggested the committee should approach trappers about snaring away from town, and that we could discuss trapping buffer zones as we neared the next southeast board meeting. We also discussed a few other board actions; nonresident unguided black bear drawing permits, and no change in the waterfowl season.

- Bear collaring spring 2011

The committee and I briefly discussed plans to collar bears on the Gustavus forelands for a pilot project to investigate the relationship between wolves, bears and moose on the forelands, to compliment ongoing research by Diana Raper, and to continue department efforts to provide southeast communities with information to be used in local bear education.

- Craig Murdoch replaced Eric Hart on the committee.

- Adjourned at approximately 8:00 PM



shooting from, along, or across roads, and ADF&G may not exempt hunters from the regulations of another. The Department may only issue methods and means exemptions allowing hunters to shoot from a vehicle parked on a road only when the vehicle is parked on a privately maintained road on private land.

PROPOSAL 10

EFFECT OF THE PROPOSAL: Provide a methods and means exemption to disabled individuals allowing them to take brown bears with the use of bait.

DEPARTMENT RECOMMENDATION: **DO NOT ADOPT**

RATIONALE: The Department does not support baiting of brown bears outside of predator control areas. Brown bear baiting is a controversial method of take that should be applied only in predator control areas where implementation plans have been adopted by the Board. These plans require thorough analysis of predator and prey populations and harvest, and assure that predators will be maintained as part of the ecosystem.

In addition, authorization for methods and means exemptions for persons with disabilities should be considered after the appropriate regulation is passed authorizing the hunting of brown bears over bait. The Board is being asked to do two things in this proposal: 1) establish the process for hunting brown bear over bait and 2) then allow it only by disabled individuals. The Department has not supported the taking of brown bear over bait except as part of a control program and does not support this proposal. However if the Board considers this proposal we recommend they amend 5AAC 92.044 or create a new regulation similar to 92.044 prior to a change in 92.104.

PROPOSAL 11

EFFECT OF THE PROPOSAL: This is a Department proposal. It would remove the words “customarily taken or used for subsistence as identified in 5 AAC 99.025” to make it clear that it is the Board’s intent to allow the taking of big game for customary and traditional Alaska Native funerary and mortuary religious ceremonies in nonsubsistence areas. The proposal would also require those taking big game outside normal seasons and bag limits in nonsubsistence areas to obtain a “ceremonial harvest report form” from a Department area office. Any small game or big game could be taken, unless the area or population has been identified by the Area Biologist as an area or population where harvest is inconsistent with sustained yield principles.

DEPARTMENT RECOMMENDATION: **AMEND AND ADOPT**

RATIONALE: Currently, 5 AAC 92.019 does not permit the taking of big game for Alaska Native funerary and mortuary religious ceremonies from a population unless a positive Customary and Traditional finding has been made by the Board for that population (5 AAC 99.025). The Board does not make findings of Customary and Traditional use for populations in nonsubsistence areas. However, after consultation with the Department of Law, ADF&G believes that excluding taking of big game for Alaska Native religious ceremonies from nonsubsistence areas may not provide Alaska Natives with a reasonable accommodation as directed by the Alaska Supreme Court (*Frank vs State of Alaska, 1979*). If after hearing evidence at this Board meeting, the Board finds that a reasonable accommodation cannot be made if Alaska Native ceremonial harvests are excluded from non subsistence areas, ADF&G recommends adopting proposal 11 as amended by proposal 11A.

In 1980 the Board found that taking of moose for use in funeral potlatch ceremonies of Athabascan people is protected by both the State and federal constitutions (BOG finding 80-27). The Board also found that constitutional protections for the use of moose in Athabascan funeral potlatch ceremonies may also apply to the taking of other game animals by non-Athabascans for use in traditional ceremonies. The Board reaffirmed these findings in 1996 and found that similar protections should apply to other big game animals (BOG finding 96-98).

It is the State’s view that customary and traditional taking of game for Alaska Native religious ceremonies is not a subsistence activity. Even if this taking is considered by some to be a subsistence activity, the Alaska Supreme Court (*Rosier vs Kenaitze Indian Tribe, 1995*), has determined that subsistence hunting can take place in nonsubsistence areas, but it cannot receive a preference and the State cannot issue subsistence permits.

For education, conservation, and enforcement reasons, the Department recommends a requirement that hunters taking game out of normal seasons in nonsubsistence areas contact an ADF&G office and obtain a “ceremonial harvest report form”. This requirement would provide an opportunity for staff to familiarize hunters with the