

RC 68

DRAFT FOR EXTERNAL REVIEW**Alaska Department of Fish and Game
Division of Wildlife Conservation and
Division of Subsistence*****Disclaimers***

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Community Harvest Permit Program – Copper Basin***Introduction***

The community harvest permit (CHP) program is authorized by regulations adopted by the Alaska Board of Game (board) at 5 AAC 92.072 and at 5 AAC 92.074 and provides for communities or groups of 25 or more to conduct subsistence hunting in areas identified by the board.

For Game Management Unit (GMU) 13 caribou,¹ in 2006 the board reviewed the hunt in light of its consistency with the board's customary and traditional use finding. The board published its results as *Findings for the Alaska Board of Game, 2006-170-BOG, Game Management Unit 13 Caribou and Moose Subsistence Uses* ("2006-170-BOG"). Findings from the October 2010 meeting are forthcoming. In the 2006 findings, the board continued its characterization of the caribou hunt as a subsistence hunt and furthermore stated that the GMU 13 caribou subsistence hunt follows a "unique pattern of subsistence use that is traceable in direct line back to the original Ahtna Athabascan and later non-Native customary and traditional use" (2006-170-BOG).

¹ The board included moose in the findings.

Although the board found the original pattern of use has been adopted and modified over time, it stated that “aspects of the traditional Ahtna Athabascan use pattern are present today...” and that “most of the long-term subsistence patterns in this area are community-based” (2006-170-BOG).

In 2009, an “Ahtna” CHP hunt was adopted by the board and administered by Ahtna, Inc. The board’s actions were challenged through a lawsuit, and in July 2010 the Alaska Superior Court (Third Judicial District) enjoined the Alaska Board of Game from authorizing an “Ahtna CHP that is fundamentally residency-based.”

In July 2010, the Superior Court did not find that all CHP hunts were “unconstitutional,” but that the Ahtna CHP hunt adopted by the board was residency-based and thus unconstitutional. The court also said that “The Department [ADF&G] needs to maintain control of the determination of lawful criteria for selecting who may hunt, for establishing any special restrictions for the hunt and for the handling of the game, and for establishing the terms and conditions for a meaningful communal sharing of caribou and moose under a CHP.”

The board met in October 2010 and adopted modifications to 5 AAC 92.072 to clarify its intent that CHP programs not be fundamentally residency-based. The board also adopted regulations to ensure that ADF&G will assume the permit administration role for all CHPs.

This Copper Basin CHP program thus is authorized by regulations adopted by the board and is administered in accordance with board findings published in 2006-170-BOG and in findings from the October 2010 board meeting.

These hunt conditions may be amended by the board and by ADF&G as needed to provide for the subsistence priority in Alaska state law for common use resources, as well as the constitutionally-mandated sustained yield management of the Nelchina caribou herd.

Participation in a Copper Basin CHP hunt does not affect federal subsistence hunting opportunities.

For More Information

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Hunt Administration

As recommended in the July 2010 Alaska Superior Court decision, ADF&G shall administer and manage the Copper Basin CHP program. Hunt administration will be in accordance with statutory and regulatory authority, including managing this common use resource for sustained yield according to laws regarding the subsistence preference passed by the Alaska State Legislature.

Copper Basin CHP application process

The ADF&G commissioner or the commissioner's designee **may** issue community-based subsistence harvest permits and harvest reports for big game species where the board has established a community harvest hunt area (5 AAC 92.072). The CHP program allows a community or group of 25 or more to select, from their group members, individual harvesters who may possess particular expertise in hunting to harvest wildlife resources on behalf of the community or group.

The hunt conditions in this Copper Basin CHP program are made only for identification of the group/pool of users who are willing to use the caribou in a manner consistent with the eight factors in the customary and traditional use determination that the board adopted in 2006-170-BOG as well as in findings from the October 2010 meeting. ADF&G does not use such determinations for resource allocation.

A community or group may possess only one (1) Copper Basin caribou CHP at any given time and group members may subscribe to only one (1) Copper Basin caribou CHP per regulatory year. The Copper Basin CHP expires at the end of the regulatory year in which it was issued. Renewal of a Copper Basin CHP is the responsibility of the community or group.

Deadline for application

Applications for a Copper Basin CHP will be available from ADF&G by March 15 of the calendar year of the hunt (note that March 15 is a correction from the Tier I/II supplement published in November 2010). Applications must be returned to ADF&G and postmarked or faxed no later than 5:00 PM on May

1 of the calendar year of the hunt. If May 1 falls on a Saturday or Sunday, then the application is due no later than 5:00 PM on the preceding Friday.

Incomplete applications will be void. Send or fax completed applications to the ADF&G Glennallen office.

There is no limit to the number of communities or groups that may apply for a Copper Basin CHP and there is no limit to the number of hunters who may participate in a community or group, except that there must be 25 or more members.

The community or group coordinator

In addition to permit hunt conditions and procedures found in 5 AAC 92.050, the community or group applying for a Copper Basin CHP must designate a coordinator as part of the application process. The coordinator certifies that the information presented in a Copper Basin CHP application is true and correct to the best of the coordinator's ability; ensures that all the conditions of a Copper Basin CHP will be met and will be fully disclosed as requested in the Copper Basin CHP reporting requirements; and serves as the primary point of contact.

ADF&G will issue one (1) Copper Basin Community Harvest Permit to the coordinator.

Hunter registration

In the application materials, the Copper Basin CHP coordinator must provide to the ADF&G Glennallen office a list of group members, the names of all their household members, and other requested information, who are hunting under the terms and conditions of a Copper Basin CHP hunt. The coordinator may contact the ADF&G Glennallen office at any time during the season to add additional hunters to the list.

According to 5 AAC 92.990 Definitions, a "household" means that group of people domiciled in the same residence.

Copper Basin CHP caribou harvest tickets and report cards

ADF&G will issue one (1) Copper Basin CHP caribou harvest ticket/report card to each hunter on the community or group's eligible hunters list. In addition to licensing and hunter education requirements, each hunter must have a Copper Basin CHP caribou harvest ticket in the hunter's possession in order to take or attempt to take caribou under the terms of a Copper Basin CHP hunt. By subscribing to a Copper

Basin CHP hunt, a hunter acknowledges that he or she will comply with all conditions of a Copper Basin CHP.

Hunters and their household members who subscribe to a Copper Basin CHP will not be eligible to receive a Copper Basin CHP caribou harvest ticket if they have applied for:

1. Any other state caribou harvest ticket, drawing, or registration permit hunt statewide; or
2. Any state moose permit hunt outside of the Copper Basin CHP hunt area; or
3. If they have failed to comply with ADF&G reporting requirements in the previous year.

A person subscribing to a Copper Basin CHP hunt can hunt for caribou only in GMU 13 under the terms of a Copper Basin CHP hunt, and for moose only in the Copper Basin CHP hunt area.

Hunters must comply with all state hunting regulations and statutes, including, but not limited to, recording the Copper Basin CHP caribou harvest ticket number on the back of the hunting license, carrying the Copper Basin CHP caribou harvest ticket in the field, and validating the Copper Basin CHP caribou harvest ticket immediately upon killing a caribou. The Copper Basin CHP caribou harvest ticket must be in the hunter's possession until the caribou has been delivered to the location of processing for human consumption.

Copper Basin CHP caribou harvest tickets come with harvest reports attached to them. The report portion need not be carried in the field, but must be mailed or delivered to ADF&G within 5 days of taking the bag limit or within 30 days of the close of the season, even if the hunter did not hunt or did not kill a caribou.

Copper Basin CHP hunt area, and area open to caribou hunting

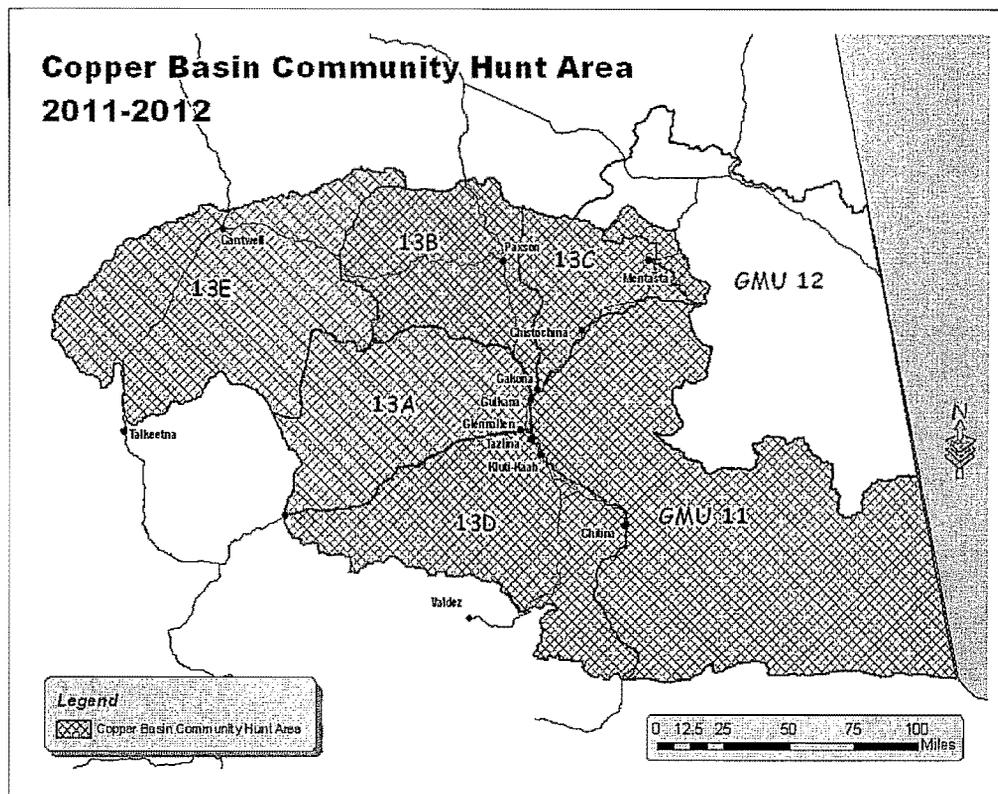
Although the Copper Basin CHP hunt area includes all of GMUs 11 and 13 and a portion of GMU 12 (see below), due to conservation concerns for adjacent caribou herds, **only GMU 13 is open to caribou hunting under the terms of a Copper Basin caribou CHP. Furthermore, a person subscribing to a Copper Basin caribou CHP hunt can hunt for moose only in the Copper Basin CHP hunt area.**

In 2006-170-BOG, the board has found that "subsistence uses involve an intimate and exclusive relationship between the user and a very particular set of places generally in close proximity to the hunter's residence. " The board findings furthermore say that the pattern of use by community residents "differs markedly from the use patterns found in Alaska's urban areas."

The Copper Basin CHP hunt area is described in 5 AAC 92.074 (d):

The Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah [Copper Basin] Community Harvest Area includes all of:

1. That area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier; and
2. That portion including all drainages into the west bank of the Little Tok River, from its headwaters in Bear Valley at the intersection of the unit boundaries of GMUs 12 and 13 to its junction with the Tok River, and all drainages into the south bank of the Tok River from its junction with the Little Tok River to the Tok Glacier, and that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier, including the Slana River drainages north of Suslota Creek; and
3. The drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; and
4. The drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; and
5. The drainages into the Susitna River upstream from its junction with the Chulitna River; and
6. The drainages into the east bank of the Chulitna River upstream to its confluence with Tokositna River; and
7. The drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; and
8. The drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; and
9. The drainages into the Tokositna Glacier; and
10. The drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna rivers; and
11. The drainages into the north and east bank of the Talkeetna River, including the Talkeetna River, to its confluence with Clear Creek, the eastside drainages of a line going up the south bank of Clear Creek to the first unnamed creek on the south, then up that unnamed creek to lake 4408, along the northeast shore of lake 4408, then southeast in a straight line to the northernmost fork of the Chickaloon River; and
12. The drainages into the east bank of the Chickaloon River below the line from lake 4408; and
13. The drainages of the Matanuska River above its confluence with the Chickaloon River.



Open seasons

In 2006-170-BOG, the board found that the subsistence pattern is characterized by traditional fall and winter hunting seasons. Unless modified under ADF&G emergency order authority, there are two (2) open seasons for a Copper Basin CHP caribou hunt. Copper Basin CHP hunt participants may hunt for Nelchina caribou only during these open seasons:

1. August 10 through September 20; and
2. October 21 through March 31.

The board has established that up to 300 caribou can be taken under the Copper Basin CHP program. The Copper Basin caribou CHP hunt may be closed by emergency order to ensure that no more than 300 caribou are taken.

Sharing may occur at any time; however, see "Reporting," below.

Bag limit

Unless modified under ADF&G emergency order authority, the bag limit is one (1) either sex caribou per Copper Basin CHP harvest ticket.

Designated hunters

The CHP program allows a community or group of 25 or more to designate, **from within the group members as named in the application**, individual harvesters who may possess particular expertise in hunting to harvest wildlife resources on behalf of the members of the community or group.

Designated hunters must complete an ADF&G Copper Basin CHP Designated Hunter form. The designated hunter must have in his or her possession the authorized designated hunter form in addition to the beneficiary's Copper Basin CHP caribou harvest ticket while taking or transporting caribou taken under the terms of a Copper Basin CHP hunt.

The beneficiary is responsible for all harvest and permit reporting as required on a Copper Basin CHP caribou harvest ticket and harvest report form.

Terms and conditions for customary and traditional use of Nelchina caribou

In 2006-170-BOG, the board found that the subsistence pattern is characterized by thorough use of most of the harvested animal. Therefore, the permittee must salvage, for human consumption or use, from caribou taken under a Copper Basin CHP hunt:

1. All edible meat from the frontquarters, hindquarters, ribs, neck, and backbone, as well as the heart, liver, kidneys, stomach, and fat; and
2. Meat of the frontquarters, hindquarters, and ribs must remain naturally attached to the bones until delivered to the place where it is processed for human consumption.

Terms and conditions for meaningful communal sharing

The edible products of caribou taken under the terms of a Copper Basin CHP hunt must be used for human consumption and may not be sold or offered for sale. The edible products of caribou taken under the terms of a Copper Basin CHP hunt should also be primarily shared with community or group members as named on a Copper Basin CHP application.

Hunters should demonstrate a pattern of sharing that provides first for the needs of the community or group elders and disabled, as identified by the community or group. At least one (1) sharing event must include a ceremonial occasion where successful hunters share with elders and the disabled, as identified

by the community or group. In addition, hunters who have harvested their first caribou under the terms of a Copper Basin CHP hunt should give all edible portions to other members of their community or group who are not within the immediate family, and there should be a ceremonial aspect to this sharing, such as a potlatch. See "Reporting," below.

Reporting

Successful hunters must validate Copper Basin CHP caribou harvest tickets prior to leaving the kill site; all hunters must comply with reporting requirements. Copper Basin CHP caribou harvest tickets come with harvest report cards attached to them. The report portion need not be carried in the field, but hunters must mail or deliver Copper Basin CHP caribou harvest reports to ADF&G within 5 days of taking the bag limit or within 30 days of the close of the season, even if the hunter did not hunt or did not kill a caribou.

Failure to report may jeopardize sustained yield management of the Nelchina caribou herd; therefore, failure to report according to this schedule may result in citation, revocation of a Copper Basin CHP, and/or placement of individual hunters on the state "failure to report" (FTR) list.

All caribou taken by Copper Basin CHP hunters within the CHP area will count against any established harvest quota for the population and area for which a Copper Basin CHP hunt has been authorized.

Within 30 days after the conclusion of the fall hunt and within 30 days after the conclusion of the winter hunt, the community or group coordinator must submit, in writing, a report on their community's or group's Copper Basin CHP hunting and sharing activities, to include at a minimum:

1. A list of the names and harvest ticket numbers for those individuals whose bag limits were filled under the terms of a Copper Basin CHP;
2. A list of the names and harvest ticket numbers of the beneficiaries whose bag limits were filled by a designated hunter under the terms of a Copper Basin CHP;
3. The number of additional caribou taken under federal subsistence hunts by the hunters also subscribing to a Copper Basin CHP hunt;
4. The extent of sharing of each animal: at a minimum, a description of how the caribou were shared, including how the sharing was prioritized with community or group elders and/or the disabled and an estimate of the number of households that benefited from the sharing events; a description of the ceremonial sharing event of Copper Basin CHP caribou;

5. The number of new youth hunters who were able to participate in the hunt; a description of how the youth hunters were educated in the customary and traditional patterns of the Copper Basin CHP hunt; and a description of the hunting lore, values, and skills passed from generation to generation; and
6. Whether the harvested caribou were prepared for human consumption at a commercial facility or in a home. If prepared in a home, a brief description of methods of preparation for human consumption; if preserved, a brief description of the methods of preservation.

If the hunt has been closed by ADF&G emergency order, the final written report must be submitted within 30 days of the hunt closure.

Some information in these reports may be subject to state confidentiality laws.

Application for the Copper Basin Community Harvest Permit Program

Note to reviewers: a modified ADF&G Division of Wildlife permit application would be inserted here. Information requested would include, but not be limited to, date of application, name of community or group, name of community or group coordinator, contact information for community or group coordinator, name and contact information of secondary community or group coordinator, information about hunters and household members (including, but not limited to name, hunting license numbers, dates of birth, Alaska driver's license numbers, mailing and physical addresses, etc.), and a certification statement.

The application will include language from 5 AAC 92.050 that states the applicant or the applicant's agent shall complete the application form; a permit application that is incomplete, or that does not include, if required, an Alaskan hunting license number, or that contains a false statement, is void.

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