

AHTNA Comments on Proposals Before the Board of Game
Related to the Copper Basin Community Subsistence Hunt
February 16, 2015

Ahtna begins these comments by acknowledging that the Board of Game, the Subsistence Division and the Wildlife Division have put considerable time and a good faith effort into establishing and refining the Copper Basin Community Subsistence Hunt (CSH). The Committee on Copper Basin Subsistence Hunting that was established and met during the spring of 2014 to make recommendation on the CSH is an example of the efforts of the Board and ADF&G to look for solutions. Ahtna appreciates serving on the Committee.

The 2014 moose hunting season that followed the Committee meetings and recommendations add weight to the inescapable conclusion that the current regulatory and administrative structure for the Copper Basin Community Subsistence Hunt is not working for the eight Ahtna Villages that originally established the community hunt through the Board of Game. The simple and central fact is that these subsistence users are not putting the amount of moose meat they need on the table. Subsistence users who are part of the Ahtna community are not being provided the opportunity needed to meet their subsistence needs of moose and caribou. The BOG Findings, 2006-170-BOG, recognize how vital subsistence hunting opportunity is to sustaining the subsistence way of life for the Ahtna Villages and other communities in the Copper Basin. The struggle continues for the Ahtna under the current moose and caribou CSHs.

The following comments make recommendations on the proposals before the Board and the current regulations and hunt conditions for the moose and caribou CSHs. The goal of the recommendations included in these comments is to achieve the original and continuing intent of the CSHs - to ensure that the communities that genuinely engage in the community based pattern of use in the Copper Basin area are being provided the reasonable opportunity and priority for subsistence use of moose and caribou that they need.

The central points of the comments are as follows: 1) there must be more any bull moose opportunity in order for the Ahtna Villages to get the amount of moose they need; 2) there are too many "groups" who are merely taking advantage of the CSH and are not following the community pattern of C&T uses; and 3) CSH caribou proposals.

1. There must be more any bull moose opportunity in order for the Ahtna Villages to get the amount of moose they need.

Specific Proposals:

Proposal 65 (Committee vote 6-4)

- The proposal suggests reducing the CSH moose season to come into closer alignment with the general season while keeping a longer CSH season. Ahtna is opposed to aligning the general hunt and the CSH seasons. Many Ahtna hunters use the early season as an opportunity to hunt when the hunting areas are not crowded with general season hunters. Some additional hunting time during the prime hunting season when the general hunt is closed is necessary to provide the Ahtna Villages in the CSH with a reasonable subsistence moose hunting opportunity.
- If the CSH moose season is adjusted it should be part of a package of changes that includes improvements to the CSH that increase subsistence opportunity rather than further reducing opportunity.

Proposals 75 and 76 (Proposal 75 opposed by ADF&G) (proposal 76 – no action by Committee)

Ahtna C&T opposes destroying antlers and bringing CSH harvested moose to check stations and requirement to turn moose antlers into ADF&G. These burdens on ADF&G and CSH users will not address the two main problems with the CSH – the insufficient any bull quota and verifying that CSH groups are complying with the C&T community use pattern.

Proposal 77 (adopted by Committee 8-2)

- Adopt proposal 77 – establish a firm any bull quota for each Sub Unit in the CSH Area and divide the quota in a way that will provide the greatest subsistence harvest opportunity consistent with conservation. The quota in subunit 11Z should be greatly reduced. ADF&G reports demonstrate that the quota for this subunit in past years has never come close to being harvested, The focus of setting the subunit quota should be to put moose on the table.
- Amend proposal 77 to increase the any bull quota for the CSH
- Amend proposal 77 to include changing the regulatory wording of the any bull quota to delete the “up to” language and require ADF&G to manage the hunt to provide opportunity to take the full quota even if the quota is exceeded by some amount.

Proposal 78 (adopted by Committee 10-0)

Ahtna Supports faster reporting for the any bull CSH hunt.

Proposal 79 (supported by Committee 7-4)

Ahtna supports 79. This would clearly direct ADF&G to use discretion for in-season closures for sub-units as a tool to help manage a firm quota.

Proposal 87

The requirement that Tier I Nelchina caribou hunters may only hunt moose in GMU 13 hurts all subsistence moose hunters who depend on the GMU 13 moose population to meet subsistence needs. The regulation is based on one aspect of the C&T use pattern – the use of a particular area to harvest subsistence resources. The problem is that the current regulatory structure only goes part way. It seizes on one aspect of C&T use but fails to address the other important defining criteria identified in joint board regulation 5 AAC 99.010 (b). One of the most important C&T criteria is “a pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.” 5 AAC 99.010(b)(8).

The current system does not effectively achieve the purpose of identifying those Nelchina hunters that are genuinely engaged in the Tier I household pattern of subsistence uses. If the only difference between subsistence and non-subsistence uses of Nelchina caribou is the willingness to also hunt moose exclusively in GMU 13, the board may need to go back to Tier II since the number of Tier I applicants is increasing despite this hunt condition. The structure of implementing the Tier I Nelchina hunt should not have the effect of diminishing subsistence moose hunting opportunity. The board needs to consider another way to achieve the goal of identifying those hunters who are genuinely engaged in the subsistence pattern of taking and use of the Nelchina herd.

Other Issues

- **The requirement in 5 AAC 92.072(c)(1)(E) should be amended to allow one any bull moose for every two households in a CSH community.**
 - The current regulation allows only one permit for every three households. This is too restrictive and does not allow enough hunters in the field. It also unnecessarily limits the number of any bulls Ahtna can take far below the amount necessary to meet Ahtna’s needs.
 - The regulation has not resulted in any meaningful reduction in the number of groups or households in the CSH – the 2015 applicants are nearly the same as the 2013 numbers.

- One permit for every two households still contains the element of community harvesting whereby community hunters take moose for others in the community and share widely throughout the community.
- **Allocation of any bull through Tier II.** If the CSH cannot be reformed to provide a reasonable opportunity to meet subsistence needs, the board should consider allocating the maximum number of allowable any bulls through a Tier II permit system. Tier II applicants should be limited to those who are enrolled in the CSH since the any bull allocation is specific to the CSH and there are not enough any bulls to provide a reasonable opportunity to all the communities in the CSH.
- **The winter hunt needs to be reformed.** Ahtna is working with ADF&G to come up with solutions and recommendations for the Board.

Justification for Increase in Any Bull Quota:

The any bull quota for the Ahtna Villages must be increased. The current ANS of 300-600 moose was based in part on finding on what the Ahtna Villages needed to meet subsistence needs. The 100 any bull quota was established in 2009 based on the amount of moose necessary to provide for the subsistence needs of the Ahtna communities. The board reduced the any bull quota to 70 after the 2010 CSH was cancelled due to the Kenai Superior Court decision. By 2012, the number of CSH groups had increased from one to around 19 and the board increased the any bull quota to 100. In 2013 through 2015 the number of groups has more than doubled to over 40 with around 2000 individuals but the quota remains the same at 100. The quota is far too small to provide an opportunity for all of these groups.

The “up to 100 any bull moose” language has resulted in very conservative management by ADF&G to ensure that the CSH harvest does not exceed 100. The practical result is that the any bull harvest is always significantly below the 100 allowed by regulation. The any bull harvest quota for the CSH must be significantly increased and it needs to be clear that management should ensure that this full quota will be made available for harvest, even if the result is that the actual harvest slightly exceeds the quota because of delays in reporting and other causes.

The 50 inch or 4 brow tine method of managing is not consistent with providing for subsistence hunting needs and reasonable opportunity, which is defined as a reasonable opportunity for **success** in taking a moose. Instead it appears that a primary purpose of this system of management is to control hunting opportunity and harvest to allow for longer seasons and more hunters. This is in conflict with what is required by the subsistence law – that there be a reasonable expectation of success in harvesting what is needed to meet subsistence needs.

There may be other management reasons for the 50 inch, 4 brow tine system of management that contribute to a healthy moose population. In any case, this system of management must also be balanced with the need to manage for subsistence uses.

The Intensive Management harvest objectives and bull/cow ratios also seem to drive ADF&Gs management of the moose populations in the CSH area. The goal of the IM moose population objectives appears to be achieving the largest population possible for the habitat. Ahtna's subsistence goal is to put meat on the table. These goals can conflict. Providing for subsistence uses should be elevated in determining how the moose population should be managed. The high end of the population goals, the bull/cow ratios, and the time frame for achieving population objectives may need to be reconsidered if successful subsistence opportunity, including any bull opportunity, is considered as central to creating the moose management plans in the CSH area.

The IM plan for GMU 13 has been successful in increasing the moose population. The problem is that this extra meat is not landing on Ahtna's table. Another problem is that the greater moose population is drawing more and more general and sport hunters into the area increasing crowding and competition. This crowding and competition is made even worse by the requirement that Tier I household caribou hunters may hunt moose only in GMU 13. Subsistence users are paying too high a price for the way the moose population and the Tier I caribou hunt are being regulated. Subsistence is a priority and that priority begins with how the moose population is managed and how the hunting regime as a whole impacts subsistence hunting opportunity..

2. There are too many "groups" who are merely taking advantage of the CSH and are not following the community pattern of C&T uses.

The Board should not adopt more regulations that restrict Ahtna hunting opportunity just to reduce number of groups. This violates the intent of the CSH which is to provide the opportunity necessary to meet the subsistence needs of the communities genuinely engaging in the C&T community pattern of use identified by the Board's findings. The goal should be effective and enforceable ways to verify that communities participating in CSH are genuinely engaged in this C&T use pattern.

Specific Proposals:

Proposal 66 (committee supports 6-4)

The proposal would require at least 2- year commitment for CSH. Ahtna questions whether this would result in any significant improvement of the CSH given the administrative burden to ADF&G pointed out in the ADF&G comments

Proposal 68 (Committee supported 6-4)

The proposal would increase size of CSH Groups to 25 households. ADF&G comments indicate that there are several communities in the Copper Basin community hunt area that are smaller than 25 households. These households would be left out under this proposal. That is a significant problem and it is not clear that this proposal would result in any significant improvement of the CSH.

Proposal 70 (Committee vote 10-0)

- The proposal would define “community.” Defining community will only be worthwhile if the definition is implemented in a way that will help determine if a group that applies for the CSH meets the conditions the Board set for the CSH. A definition of community would assist, for example, in the implementation of proposal 71 - increased reporting by CSH groups, and proposal 74 - board approval of CSH groups.
- Ahtna proposes amending the CSH regulation, 5 AAC 92.072 to eliminate the term “group” throughout. This will make it clear that this regulation applies to “communities” that engage in a community based C&T pattern of use instead of any “group” created through the internet or otherwise that wants only to exploit the hunt. There is no need to adopt a definition of “community” if it will not do anything to improve the hunt, and leaving “group” in the regulation will render any definition of “community” meaningless.
- Ahtna proposes amending the definition of “community” suggested by ADF&G as follows.

*“A community is a group of people linked by a common interest in, and **long-term** participation in uses of **an area and the** wildlife populations **in that area,** that is consistent with the customary and traditional use pattern of that wildlife population **and area** as defined by the board.*”

Proposal 71 (Committee vote 6-5)

- Proposal would institute a new community and individual reporting system and point structure to determine if CSH communities are genuinely

engaging in the community based C&T use pattern recognized in BOG findings 2006-170-BOG.

- The reporting system would include some additional costs and burden to both ADF&G and CSH communities and individuals. This proposal only makes sense if reporting results are implemented to determine eligibility for the 2016 season.
- The reporting system includes two parts, one for the hunt coordinator and another for the individual members of the community. The board should consider amending the proposal so that that communities like Ahtna that have established eligibility through the board or through 5 years of successful reporting are exempt from the individual and community reporting requirements. This will be more efficient and less burdensome for subsistence users, ADF&G and the budget.
- ADF&G must be directed to modify the Copper Basin CSH conditions to require reporting and require that CSH groups and participants to conform to the community-based C&T use pattern reflected in 2006-170-BOG findings. Currently the CSH conditions only require “voluntary efforts.”
- The CSH regulation, 5 AAC 92.072(c)(1)(D) and (c)(2), must be amended as follows:

5 AAC 92.072(c)(1) . . . the community ~~or group~~ representative must: (D) ~~make efforts to ensure~~ **timely submit any report that may be required by the board or department demonstrating** that the applicable customary and traditional use pattern described by the board and included by the department as a permit condition, if any, is ~~observed by subscribers~~ being practiced by members of the community, including meat sharing; the applicable board finding and conditions will be identified on the permit; this provision does not authorize the community ~~or group~~ administrator to deny subscription to any community ~~resident or group~~ member **who agrees to follow the applicable customary and use pattern and abide by the permit and hunt conditions established by the board and department;**

Add a new subsection (G) to 5 AAC 92.072(c)(2)

a ~~resident of the community or member of the group~~ who elects to subscribe to a community harvest permit

(G) must submit a report that may be required by the board or department demonstrating that the applicable customary and traditional use pattern has been followed by the community member.

- A community and individual reporting system like that developed by ADF&G should be implemented for the 2015 season and used to determine eligibility for the 2016 season. Any community that does not file a report that meets the point standard adopted by the Board should have a short

opportunity (15 days) to amend its report to conform to the standard. If the community does not submit an acceptable report after this opportunity, the community and all members of the community should be declared ineligible for the CSH or any other permit hunt for one year.

- This system would conform to the same standard now in place for individual hunters that fail to file a hunting report for a permit hunt. An individual who fails to report for a permit is ineligible for any permits for the following season.
- Ahtna understands that over 10 groups in the 2014 CSH failed to report as required by the hunt conditions. These groups, and all households and individuals in these groups in 2014 must be declared ineligible to participate in the CSH and all other permit hunts for the 2015 season. This is clear from the notice provided on p. 15 of the 2014-14 hunting regulation book and 5 AAC 050(a)(8) which requires the report for Tier I hunts – the CSH is a Tier I hunt. The regulation allows the department not to enforce the FTR penalty if “ it is administratively impracticable, to apply the penalty for failure to report.” If the Department is relying on this provision not to enforce the FTR penalty for CSH groups for the 2015 season, the justification for making this exception should be put on the record.

Proposal 74 (Committee vote 7-4)

This proposal would require direct approval of Communities by the BOG. Ahtna fully supports this proposal. This requirement combined with a definition of “community” (proposal 70) and reporting (proposal 71) may be significant in providing accountability that the communities in the CSH are genuinely engaged in the community C&T pattern of use recognized in 2006 2006-170-BOG.

3. Caribou Community Subsistence Hunt Proposals

Proposal 82 (Committee Supports 10-0)

Ahtna fully supports this proposal. The CSH quota of 300 caribou was originally intended to be managed so that it did not close until 300 caribou were taken in the CSH or the season closed in March. The CSH was managed this way for at least the first year the hunt was administered. The committee vote was unanimous to support this proposal and ADF&G is neutral and does not anticipate difficulties in administering the quota as proposed.