

ACR 10 – Remove the statewide bag limit restrictions for resident relatives accompanying nonresident second degree of kindred.

SUBMITTED BY: Resident Hunters of Alaska

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD:
5AAC 92.130 – Restrictions to Bag Limit

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM:

New regulations stemming from passage of Proposal 51 at 2016 Statewide meeting.

We don't believe the consequences of this new regulation, and how it discriminates against resident hunters while not also discriminating against resident guides, were intended or foreseen by the Board.

Under this new regulation, after a nonresident hunter – accompanied by a resident relative within 2nd degree of kindred (2DK) for a must-be-guided species – successfully hunts and harvests an animal and leaves the state, the resident relative who accompanied that hunter does not have an opportunity to hunt that same species that same regulatory year because s/he has been forced to forfeit their tag and opportunity for that species. In areas where we have restrictions to opportunity such as bear harvests limited to one-in-four years for both residents and nonresidents, that resident hunter cannot hunt brown bears in that area for four years.

There are no such limitations on licensed resident big game guides who may accompany multiple nonresident clients (for compensation) for those species each year. For example, if a resident guide wishes to hunt spring bear on the peninsula, fill his or her tag, then guide one or more nonresident bear hunters during the fall season (again, for compensation), that is perfectly lawful under this new regulation. Or if a resident guide guides nonresident sheep hunters for the first 20 days of the season, and then wishes to hunt under his resident tag in September, that is perfectly lawful. Another example is if the Board ever introduced earlier seasons for residents for any must-be-guided species, a resident guide could hunt that earlier season, punch his or her tag, then take out multiple clients for that same species during the rest of the season. This is something that many guides have said they would do if the Board ever introduced earlier resident-only seasons for sheep. In all of these examples, the resident Alaskan hunting with a 2nd-degree-of-kindred relative is denied the same privilege as a resident guide.

Did the Board intend to discriminate among resident hunters this way and unfairly restrict the opportunity of one group while not restricting the other? We certainly don't believe so.

Furthermore, to use an example of a draw-only permit hunt, say a nonresident draws a DS 102 or DS 103 Tok Management Area tag – 10% of which are allocated to nonresidents, with up to 50% of that allocation going to 2DK nonresidents¹ – and has a resident relative within 2nd degree of

¹ It should be noted that member Turner incorrectly stated during deliberations on Proposal 51 that “as much as 50% of the harvest [for the TMA permit hunts] was 2nd degree of kindred.” Nonresidents get 10% of the total allocation, and a maximum of half of that goes to 2DK, therefore the 2DK harvest can never be more than 5%.

kindred wanting and willing to accompany him or her on that hunt. Under this new statewide regulation, that resident hunter must then forfeit his or her privilege to also hunt Dall sheep that season in a different area of the state under either a permit or general season hunt.

This is the other effect on hunts under this new regulation we don't believe the Board foresaw, how it impacts the planning of family hunts by residents and their nonresident relatives, along with how it affects what draw permits to put in for by either party. This regulation, which is not yet in effect, is already affecting plans for nonresidents to come up and hunt with a resident relative in 2018. If this new regulation stays on the books for implementation it will have far ranging affects for family hunt planning among nonresident and resident relatives in 2017 and the draw permit applications they apply for next year.

There is also speculation that big game species the Board has added to the must-be-guided statute for nonresidents in certain areas (black bear in SE and moose in the interior) are also included in this new regulation, or may be included in this new regulation in future since the intention was to include all must-be-guided species for nonresidents.

WHAT SOLUTION DO YOU PREFER? Remove the statewide bag limit restrictions for resident relatives accompanying nonresident second degree of kindred.

STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.

- a) for a conservation purpose or reason: N/A
- b) to correct an error in regulation: N/A
- c) to correct an effect on a hunt that was unforeseen when a regulation was adopted:

See our rationale above; we believe that the Board did not envision these effects or the outright unfairness of discriminating against one type of resident hunter over another.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? This new regulation will still be scheduled for implementation in 2018 and continue to affect the planning of family hunts for residents and their nonresident relatives, and which draw permits a resident or nonresident should apply for, especially in 1-in-4 areas.

We have tried to get assurances from board support that based on the special teleconference meeting on October 23, 2016 that there was a guarantee that the Board would consider proposal 19, for the upcoming Bethel meeting, on a statewide basis. That proposal seeks the same thing as our ACR, but at a regional level. It is our understanding that the Board now only has the "option" to amend proposal 19 to consider it on a statewide basis, and may not in fact do so. Hence the need for this ACR now, if there is no guarantee the Board will hear this issue on a statewide basis, plus we believe it may be more beneficial to have this ACR as a public proposal before the Board on a statewide level for the Bethel meeting, rather than the Board amending a public proposal.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE: There were no conservation concerns cited for a reason to pass this new regulation, which unfairly restricts the opportunities of resident Alaskans who wish to accompany nonresident family members on a hunt. A return to the privilege the legislature granted to resident hunters who hunt with

nonresident 2DK relatives in AS 16.05.407 – which we firmly believe was not within the Board’s authority to take away in the first place – is not an allocative matter.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. N/A

STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR: Resident Hunters of Alaska is a non-profit NGO involved in Alaska hunting and wildlife management issues.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING. N/A