

## **Miscellaneous Topics**

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*Note: The Board of Game deferred this proposal from the 2017 Interior/Northeast Arctic Region Meeting. It was previously numbered Proposal 86.*

**PROPOSAL 65 – 5 AAC 85.025. Hunting seasons and bag limits for caribou; and 92.510. Areas closed to hunting.** Close an area ¼ mile on either side of the Taylor Highway to hunting during caribou season, and limit the number of permits as follows:

We would like to see no-shoot zone ¼ mile from each side of the road, so a ½-mile wide corridor, with the highway in the center, along the Taylor Highway and Boundary Cutoff Road. If not along the entire highway (which we would prefer) at minimum between the Walker Fork Bridge (Mile Post 82) and the Alder Creek Bridge (MP 115.4) and along the Boundary Cutoff.

We would like to see the number of permits for these hunts limited to a level that will allow managers and law enforcement to be able to effectively manage the hunt in a safe and sustainable manner.

**What is the issue you would like the board to address and why?** The fall Fortymile caribou hunt (RC860) along the Taylor Highway has become a very dangerous, wasteful, ugly, unethical, shooting gallery style of hunt. Resulting in numerous issues including:

-Hunters on ATVs run up and down the highway at high speeds (which is against state law) chasing after groups of caribou on or along the road (harassing animals is also against the law).

-Hunters commonly shoot animals on the highway, from the highway, across the highway and from their ATVs (all against the law). They'll see a group of caribou a ways off on or near the road, speed up to them, slam on their brakes and start shooting into the group. This happens often!

-Hunters along the road shoot down the road and at caribou sky lined on the road or just off the road, without any concern for safety of others, resulting in dangerous conditions for hunters and non-hunters alike along the Taylor Highway, especially in between the Walker Fork Bridge (MP 82) and the Fortymile River Bridge (MP 112.4) and along the Boundary Cutoff.

-Numerous pools of blood in the middle of the road, in this area, with no drag marks, during the fall 2015 season, prove these animals are being killed on the road. This was documented by state and federal managers and enforcement during the fall 2015 season.

-There is significant wounding loss from hunters flock-shooting from the highway, which has been documented by state and federal managers and law enforcement personnel. There were at least 12 caribou killed and left in this area in only a few days during the fall 2015 season, as documented by state and federal managers and law enforcement. And this is just what they were able to find.

-Each fall there are hundreds of people camped all across the high country along this stretch of highway, especially from the Y to MP 105. Garbage and animal remains litter the areas where the hunters camp when the hunters leave (littering is against the law).

-Dozens of gut piles litter the shoulder of the highway in this stretch and are occasionally left right in the middle of a pull-out or on the drivable surface of the road itself (this is against the hunt conditions for RC860 – thus illegal and can be verified by state and federal managers and law enforcement).

-During the fall 2015 season, my wife and I, while working in our garden, had bullets flying over our heads from people shooting at caribou on the road above our house. We also had caribou killed within a few hundred feet of our house that were shot by hunters shooting from the Fortymile River bridge toward our house. This hunt has put our lives and the lives of our dogs in danger, plain and simple, and has taken away our opportunity to hunt or even pick berries safely.

-Issuing over 3000 permits for this area is simply not manageable and not sustainable.

-While some may argue many of these things are already against the law, so much of it is happening that managers and enforcement officers cannot even come close to keeping up with all of this. It is uncontrollable and with dwindling enforcement presence due to state budget problems, the problem will only get worse.

The herd, the country, and those of us who live here can't take much more of this, changes need to be made.

**PROPOSED BY:** David Likins (EG-F16-027)  
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**PROPOSAL 66 – 5 AAC 92.005. Policy for changing board agenda.** Update the Board of Game’s policy for accepting agenda change requests to make it more consistent with the Joint Board Petition Policy as follows:

**5 AAC 92.005. Policy for changing board agenda.**

(a) The Board of Game (board) may change the board's schedule for considering proposed regulatory changes in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) an agenda change request must be to consider a proposed regulatory change outside the board's published schedule and must specify the change proposed and the reason the proposed change should be considered out of sequence. An agenda change request is not intended to address proposals that could have been submitted by the deadline scheduled for submitting proposals;

(2) the board will accept an agenda change request only

(A) [FOR A CONSERVATION PURPOSE OR REASON;] **repealed;**

(B) to correct an error in a regulation; [OR]

(C) to correct an effect of a regulation that was unforeseen when a regulation was adopted; **or**

**(D) if the request identifies a biological concern for the population or a threat to meeting objectives for the population;**

**(E) if the request identifies an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f);or**

**(F) if the request identifies an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future;**

(3) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;

(4) a request must be received by the executive director of the boards support section [AT LEAST 60 DAYS BEFORE THE FIRST REGULARLY SCHEDULED MEETING] **by November 1<sup>st</sup> of that year;**

(5) if one or more agenda change requests have been timely submitted, the board shall meet to review the requests within 30 days following the submittal deadline in subsection (4), and may meet telephonically for this purpose;[.]

**(6) when considering an agenda change request, the board should take into consideration 5 AAC 96.625(d) and 5 AAC 96.625(e);**

**(7) if the board accepts an agenda change request, the board will develop and consider proposals for all agenda change requests for those specified regulations.**

(b) The board may change the board's schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal agencies, programs, or laws.

**What is the issue you would like the board to address and why?** The criteria for Agenda Change Requests (ACRs) is vague. This has resulted in inconsistency in acceptance of requests and acceptance of requests that do not need to be addressed out of cycle. Out of cycle proposals are not afforded the full process for advisory committee and public review and comments. It is also confusing for the public to know when an ACR is appropriate. The Department of Fish and Game has provided this proposal to allow the board to address those issues.

Amending the regulation to put it in closer alignment with the Joint Board Petition Policy is one way to ensure that the full Board of Game process for public input and comment is used for all proposals that do not need to be addressed out of cycle.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F17-031)

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**PROPOSAL 67 – 5 AAC 92.003 Hunter education and orientation requirements; 92.012. Licenses and tags; 92.039. Permit for taking wolves using aircraft; 92.044. Permit for hunting bear with the use of bait or scent lures; 92.052. Discretionary permit hunt conditions and procedures; 92.072. Community subsistence harvest hunt area and permit conditions; 92.130. Restrictions to bag limit; and 5 AAC 92.530, Management areas.** To comply with recent statutory changes, review and update regulations with minimum hunting age requirements as follows:

The Department of Fish and Game (department) recommends the Board of Game (board) examine the age requirements of all existing regulations given action taken by the legislature to raise the minimum age requirement for Alaska residents to purchase licenses from 16 to 18 years of age. Some of the age requirements in regulation are region specific and the board may prefer to deal with those at the appropriate regional meeting, however they are shown below to illustrate all of the age requirements currently in regulation.

**5 AAC 92.003. Hunter education and orientation requirements.** (a) Beginning August 1, 2002, a person born after January 1, 1986 that is

(1) required to have a hunting license must have successfully completed a certified hunter education course in order to hunt in Units 7, 13, 14, 15, and 20;

(2) not required to have a hunting license, and who has not successfully completed a certified hunter education course, must, in order to hunt in Units 7, 13, 14, 15, and 20, be under the direct immediate supervision of a licensed hunter who

(A) is **18** [16] years of age or older and has successfully completed a certified hunter education course; or

(B) was born on or before January 1, 1986

(b) notwithstanding (a) of this section, A resident hunter who is 10 through 17 years of age at the start of the hunt, and has successfully completed a certified hunter education course, is allowed to hunt on behalf of a permit holder who is at least **18** [16] years of age, under the direct immediate supervision of that permit holder, who is responsible for ensuring that all legal requirements are met.

**5 AAC 92.012. Licenses and tags.** (a) No hunting or trapping license is required of a resident under the age of **18** [16]. An appropriate license and big game tag are required of nonresidents, regardless of age, for hunting and trapping. No person **18** [16] years of age or older may take waterfowl unless that person has a current, validated, federal migratory bird hunting stamp or "duck stamp" in possession.

**5 AAC 92.039. Permit for taking wolves using aircraft.**

(d) The department may apply any of the following conditions to a permit issued under this section:

...

(7) the department may require an applicant for a permit to possess minimum qualifications, including

...

(E) that the applicant is at least **18** [16] years old;

**5 AAC 92.044. Permit for hunting bear with the use of bait or scent lures.**

...

(b) In addition to any condition that the department may require under 5 AAC 92.052, a permit issued under this section is subject to the following provisions:

...

(3) a person must be at least **18** [16] years of age to be issued a permit;

**5 AAC 92.052. Discretionary permit hunt conditions and procedures.** The department may apply any or all of the following additional conditions to a permit hunt, when necessary for management of the species hunted:

...

(15) the permit applicant must hold a valid Alaska hunting license; however, this does not apply to a resident under the age of **18** [16]; an applicant's hunting license number must be entered on the permit application; a resident under the age of **18** [16] shall enter his or her age instead of a license number;

**5 AAC 92.072. Community subsistence harvest hunt area and permit conditions.**

...

(c) If the board has established a community harvest hunt area for a big game population, residents of a community or members of a group may elect to participate in a community harvest permit hunt in accordance with the following conditions:

(1) a person representing a group of 25 or more residents or members may apply to the department for a community harvest permit by identifying the community harvest hunt area and the species to be hunted, and by requesting that the department distribute community harvest reports to the individuals who subscribe to the community harvest permit; the community or group representative must

(A) provide to the department the names of residents or members subscribing to the community harvest permit and the residents' or members' hunting license numbers, permanent hunting identification card numbers, or customer service identification numbers, or for those residents or members under **18** [16] years of age, the resident or member's birth date;

**5 AAC 92.122(b)(4)(D)(vii). Unit 16 Intensive Management Plan.**

(vii) taking of bears by foot snaring by permit only from April 15 through October 15; permittees must be accompanied by another person, age **18** [16] or older, when conducting foot snaring activities in the field; foot snaring permits will be issued at the discretion of the

department based on previous trapping experience, ability to help train other participants, and length of time available for participation in a snaring program; a selected foot snaring permittee must successfully complete a department-approved training program, must be a resident **18** [16] years of age or older, and report all animals taken by the permittee to the department within 48 hours of taking;

**5 AAC 92.130. Restriction to bag limit.**

(e) A hunter who is under 10 years of age may take big game only under the direct, immediate supervision of a licensed hunter who is at least **18** [16] years of age. The supervising hunter is responsible for ensuring that all legal requirements are met. The big game animal taken will count against the supervising hunter's bag limit. This section does not relieve an individual from complying with big game tag requirements, but does require a supervising hunter to validate the hunter's harvest ticket, or permit, in accordance with 5 AAC 92.010, immediately following the taking of big game under this section.

**5 AAC 92.530. Management Areas.**

(6) Skilak Loop Wildlife Management Area:

(A) the area consists of that portion of Units 15(A) and 15(B) bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop Road (milepost 58), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Loop Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway (milepost 75.1), then easterly along the Sterling Highway to the point of origin;

AAC 92.530(6)(B) is repealed and readopted to read:

(B) the area is closed to hunting and trapping, except that:

(i) moose may be taken by permit only;

(ii) small game may be taken by:

(a) falconry or bow and arrow only from October 1 through March 1;

and

(b) standard .22 caliber rimfire firearm and shotgun only, in that portion of the area west of a line from the access road from the Sterling Highway to Kelley Lake, the Seven Lakes Trail, and the access road from Engineer Lake to Skilak Lake Road, and north of Skilak Lake Road, during each Saturday and Sunday from November 1 through December 31 and the Friday following Thanksgiving day, by youth hunters **18** [16] years old or younger accompanied by a licensed hunter 18 years old or older who has successfully completed a certified hunter education course if the youth has not successfully completed a certified hunter education course;

(iii) wolf, coyote, and lynx may be taken under applicable hunting regulations from November 10 through March 31, except within 1/4 mile of the Engineer, Kelly, Petersen and Hidden Lake campgrounds and within 1/4 mile of boat launches.

(C) a firearm may not be discharged within one-quarter mile of any campground;

...

(30) the Hatcher Pass Youth Hunt Management Area:

(A) the area consists of that portion of Unit 14(A) within the upper Little Susitna River drainage upstream of mile 13.6 on Hatcher Pass Road (Gold Mint Trail parking area) and ¼ mile away from the road including Archangel and Fishhook Creeks, and upper Little Susitna River drainages. Also, portions of the upper Willow Creek drainage upstream of the confluence of Willow and Craigie Creeks, including Grubstake Gulch and Homestake Creeks, Summit Lake, and Bullion and Skyscraper Mountains. There is no discharge of firearms allowed within ¼ mile of the road.

(B) from August 10 to August 25, the area is closed to small game hunting except that small game may be taken by a youth hunter **18** [16] years old or younger accompanied by a licensed hunter 18 years old or older who has successfully completed a certified hunter education course if the youth hunter has not successfully completed a certified hunter education course.

**What is the issue you would like the board to address and why?** There are 13 places in regulation that refer to licensed hunters, hunters, and permit holders 16 years of age. Effective January 1, 2017, the Alaska legislature changed the minimum age requirement for Alaska residents to purchase a hunting, trapping, and fishing license from 16 to 18 years of age, which put these 13 places in regulation in contradiction with the statutes. In some cases the conflicting ages may be appropriate, in many cases the age in regulation appears to have been driven by the license requirement only. The proposed changes to 5 AAC 92.012, 5 AAC 92.052, and 5 AAC 92.072 must be made in order for board regulations to be in compliance with the recent statutory changes. All of the other changes in this proposal are at the board’s discretion.

For most of the identified regulations the department has little data, if any, regarding the number of people that may be impacted by this change. Some of the regulations are not currently used, for example, bear control in Unit 16 is not currently being implemented, so the change would not impact anyone because there are no participants.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F17-029)  
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**PROPOSAL 68 – 5 AAC 92.XXX. New regulation.** Create a new regulation to allow season openings and increased hunting opportunities in-season by emergency order as follows:

Create regulation that will allow ADF&G to open or increase hunting opportunities in-season based on best available science when additional harvest can be supported.

**What is the issue you would like the board to address and why?** Biologists within ADF&G should have the ability to adjust harvest by opening or closing seasons during the regulatory year by Emergency Order (EO), based on in-season information. Currently, ADF&G can only close seasons. A mechanism should be in place to allow opening of hunting opportunities when game populations can support additional harvest.

**PROPOSED BY:** Dave Lyon (EG-F17-108)  
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**PROPOSAL 69 – 5 AAC 92.003. Hunter education and orientation requirements.** For all antler restricted hunts, require hunters to view an educational video for identifying legal moose as follows:

All moose hunters in areas with antler restrictions must watch an ADF&G video on how to judge moose.

**What is the issue you would like the board to address and why?** As has been made obvious by moose antler sealing requirements in Units 7 and 15 many hunters have difficulty judging legal moose when faced with 50-inch antler restrictions. All hunters in units with antler restrictions should be better educated in judging moose. This issue cannot be unique to the Kenai Peninsula. Regulations in areas with antler restrictions should be uniform throughout the state.

**PROPOSED BY:** Homer Fish and Game Advisory Committee (EG-F17-107)  
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