



December 29, 2017

An Agenda Change Request (ACR 2) has been submitted to the Alaska Board of Game requesting to change 5 AAC 85.025 Hunting seasons and bag limits for the Fortymile caribou herd in units 12, 20B, 20D, 20E, 20F, and 25C; and 5 AAC 99.025 Customary and traditional uses of game populations for the Fortymile caribou herd. The proponent is asking for five things. First is for the board to clarify what type of opportunity the winter portion of the Fortymile caribou hunt is, subsistence or general. The second is to clarify or specify what type of registration permit is being issued. The third is for the board to speak to potential subsistence opportunity in a unit that does not have a positive customary and traditional use (C&T) finding for Fortymile caribou. The fourth is for the board to specifically exclude, in regulation, the positive C&T finding in the Fairbanks Nonsubsistence Area (NSA). The fifth is for the board to speak to the appearance of allowing subsistence opportunity in a NSA.

With respect to the board's Agenda Change Request (ACR) acceptance criteria (5 AAC 92.005):

- A) The department is unaware of any conservation concerns.
- B) The department is unaware of any error in regulation.
- C) The department is unaware of any unforeseen effects of regulations that should be addressed in a change to a regulation.

Under AS 16.05.258(a), except in nonsubsistence areas, the board is directed to identify game populations, or portions of populations, that are customarily and traditionally taken or used for subsistence. The board applies the *Joint Boards of Fisheries and Game Subsistence Procedures* (5 AAC 99.010), in place since the early 1980s, to identify game populations with customary and traditional uses (C&T) by Alaska residents. Harvest and use patterns for game populations are described and evaluated based on eight criteria to determine which, if any, are customary and traditional subsistence use patterns. For populations that support C&T uses, the board must identify the "amount reasonably necessary" for subsistence uses, called an "ANS finding."

All hunting within the Fairbanks nonsubsistence area cannot occur under subsistence regulations.

When there is a single set of regulations for residents for a game population with a harvestable surplus above the ANS, these regulations generally indicate that the open season is for "general and subsistence hunts" when a positive C&T finding has been made or when no C&T finding has been made. This practice provides for subsistence uses (as required by AS 16.05.258(b)) and other, nonsubsistence uses. If there is a negative C&T finding for a game population, or when hunting for that population takes place in a nonsubsistence area, or resident opportunity is limited through drawing permits, the resident open season is labeled "General hunt only."

When making C&T findings, the board has recognized that Alaska residents harvest and use wildlife resources in a range of patterns, not all of which conform to the eight criteria that characterize

subsistence use patterns. Participation in a hunt on a game population with a positive C&T finding by Alaskan residents does not by itself mean that the only use is a subsistence use. Subsistence use patterns by Alaskans may exist side by side with nonsubsistence use patterns by Alaskans. For example, a use pattern that involves considerable travel and expense is likely not consistent with Criterion 3, and harvest of game in an area with little to no use of other resources from that area (that is, not part of a broader range of uses) may not be consistent with Criterion 8.

Resident seasons listed in the Alaska Administrative Code currently have one of three labels: “General hunt only”, “Subsistence hunt only”, or they lack a label (i.e., the space for a label is left blank). The lack of a label for resident seasons means the season is the same for general hunting and subsistence hunting. Nonresident hunts also lack a label because the labels only apply to resident hunts.

The following guidelines have generally been applied when labeling hunts in the Alaska Administrative Code, but the regulations do not always conform to these guidelines:

- “General hunt only” is applied to resident hunts in areas designated as nonsubsistence areas by the Joint Board of Fisheries and Game and to hunts outside of nonsubsistence areas that have a negative customary and traditional use (C&T) finding for the game population.
- “Subsistence hunt only” is applied to resident hunts if the hunt occurs outside nonsubsistence areas on a game population with a positive C&T finding and the harvestable portion of the population is not great enough to allow for nonsubsistence harvests and uses.
- No label. These hunts generally include all types of resource use, subsistence and nonsubsistence, and do not differentiate between the various types of use.

The board discussed this topic extensively at the statewide meeting in March 2016, then again at the regional meetings in Fairbanks and Bethel in 2017. The board elected to maintain the status quo and directed the department and the Department of Law to make appropriate updates to 5 AAC 85 to ensure hunts are labeled accurately according to the above guidelines.

The only Tier I registration hunt in the printed Subsistence Supplement is for Unit 13 Tier I Nelchina Caribou. This hunt is included in the supplement and participants are required to register for it during the established November 1 – December 15 application period because it requires participants agree to multiple conditions and restrictions such as restricting the entire household to only hunting caribou and moose in Unit 13.

The next regularly scheduled board meeting for Fortymile caribou is during winter/spring of 2019/2020.

Sincerely,



Bruce Dale
Director
Division of Wildlife Conservation