

**ACR 2** –Modify the Anaktuvuk Pass Controlled Use Area.

**SUBMITTED BY:** North Slope Fish and Game Management Committee

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 92.540(B). Controlled use areas.

Unit: 26

**Area Description:** Anaktuvuk Pass Controlled Use Area: the area consists of that portion of Unit 26(A) bounded by a line beginning at 153° 30' W. long. on the game management boundary between Units 24 and 26(A), north along 153° 30' W. long. to 69° N. lat., east along 69° N. lat. to 152° 10' W. long., south along 152° 10' W. long. to 68° 30' N. lat., east along 68° 30' N. lat. to 150° 40' W. long., south along 150° 40' W. long. to the game management boundary between Units 24 and 26(A), and westerly along the game management unit boundary to the point of origin at 153° 30' W. long.

**Restrictions:** The area is closed to the use of aircraft for hunting caribou, including the transportation of caribou hunters, their hunting gear, or parts of caribou from August 15 through October 15; however, this provision does not apply to the transportation of caribou hunters, their hunting gear, or parts of caribou by aircraft between publicly owned airports.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The Anaktuvuk Pass Controlled Use Area was created to allow for an undisturbed fall migration of caribou to facilitate the subsistence harvest of caribou by the community of Anaktuvuk Pass. Under current regulations, the start date, spatial extent, and allowances for other species to be hunted limit the effectiveness of the CUA. Community members have expressed concern that hunters can still use aircraft to harvest furbearers, sheep, and bear within the CUA. They are also concerned that these activities occur in important migratory areas outside the CUA area which disrupts the caribou migration. Residents observe non-resident hunters in possession of caribou antlers only during the CUA closed period. Caribou taken outside the area and aircraft use within the area can deflect leaders in the caribou migration, and as a result the entire migration, beyond the reach of Anaktuvuk Pass resident subsistence hunters. The resulting inability to meet the nutritional, cultural, and spiritual needs of the community is a significant and recurring hardship.

**WHAT SOLUTION DO YOU PREFER?**

Units: 26

**Area Description:** Anaktuvuk Pass Controlled Use Area: the area consists of that portion of Unit 26(A) **including drainages of the Colville River between and including the drainages of the Anaktuvuk River and the Etivluk River** (BOUNDED BY A LINE BEGINNING AT 153° 30' W. LONG. ON THE GAME MANAGEMENT BOUNDARY BETWEEN UNITS 24 AND 26(A), NORTH ALONG 153° 30' W. LONG. TO 69° N. LAT., EAST ALONG 69° N. LAT. TO 152° 10' W. LONG., SOUTH ALONG 152° 10' W. LONG. TO 68° 30' N. LAT., EAST ALONG 68° 30' N. LAT. TO 150° 40' W. LONG.,) south along 150° 40' W. long. to the game management boundary between Units 24 and 26(A), (AND WESTERLY ALONG THE GAME

MANAGEMENT UNIT BOUNDARY TO THE POINT OF ORIGIN AT 153° 30' W. LONG.) **from July 15 until the caribou migration has moved through Anaktuvuk Pass a.s determined by the existing trilateral organization consisting of representatives of the City of Anaktuvuk Pass, Nunamiut Corporation, and Nasragmiut Village Council or their local designee. The area is closed to the use of aircraft for the harvest of caribou, furbearers, sheep, and bear including transportation of hunters, their hunting gear, and or parts of game.** (FROM AUG 15-OCT 15, IS CLOSED TO THE USE OF AIRCRAFT FOR CARIBOU HUNTING, INCLUDING TRANSPORTATION OF HUNTERS, THEIR HUNTING GEAR, AND/OR PARTS OF CARIBOU).

Specifically:

- Close the Anaktuvuk Pass CUA to the use of aircraft in any manner for big game hunting, including the transportation of big game hunters, their hunting gear, and/or parts of big game; currently the regulation only closes the CUA to caribou hunting.
- Change the dates when the CUA is in effect from August 15-October 15 to July 15 until the trilateral organization has determined that the migration through Anaktuvuk Pass has been established, or November 1, whichever date is earlier. Deflection of the leaders of the migration is the primary concern of the community members based on long observation and traditional knowledge, and the mitigating purpose of the CUA.
- Change the area of the CUA, primarily to include areas farther to the west of Anaktuvuk Pass, e.g. the drainages south of the Colville River between and including the Anaktuvuk and Etivluk Rivers.

**STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:**

- 1) **To correct an error in regulation.** N/A
- 2) **To correct an effect of a regulation that was unforeseen when a regulation was adopted.** Guides, transporters, and private citizen hunters are disrupting summer and fall movement patterns and the timing of migration.
- 3) **Does the request identify a biological concern for the population or a threat to meeting objectives for the population?** With a delayed caribou migration occurring in late fall more cows are being harvested which could be a concern for the population growth rate.
- 4) **Does the request identify 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)?** Yes, due to deflection of migrating caribou beyond their safe reach, Anaktuvuk Pass subsistence users have not been able to successfully harvest sufficient caribou in the fall to satisfy critical community needs for more than the past decade. If this change is not completed it is very likely the fall migration will continue to be deflected in future years. If this change request is adopted, hunters from Anaktuvuk Pass will likely be able to resume their traditional harvest of caribou, while sport hunters will retain the opportunity to harvest caribou outside of the CUA and within the CUA later in the fall season.
- 5) **Does the request identify 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 because the resource would**

**be unavailable in the future?** The community of Anaktuvuk Pass has not been able to have a successful fall harvest for more than the past decade. If this change is not completed it is very likely the fall migration will continue to be deflected in future years.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Anaktuvuk Pass residents will continue to experience food security hardships.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** The ACR will not increase or reduce harvest for caribou hunters that use this area. But it will establish an opportunity for all caribou hunters once a migratory path has been established.

**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.**  
Nunamiut subsistence users.

**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