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ALASKA BOARD OF GAME
Meeting Workbook

**Interior & Eastern
Arctic Region Meeting
Fairbanks, Alaska
March 15-22, 2024**



ALASKA BOARD OF GAME

Interior and Eastern Arctic Region Meeting

Fairbanks, AK | March 15-22, 2024

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Board of Game Findings and Policies

The following Board of Game Findings & Policies are related to the topics for the Interior and Eastern Arctic Region meeting. All Board of Game findings are available online at:
www.adfg.alaska.gov/index.cfm?adfg=gameboard.findings

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ALASKA BOARD OF GAME
Interior and Eastern Arctic Region Meeting
Pike's Waterfront Lodge, Fairbanks, Alaska
March 15-22, 2024

TENTATIVE AGENDA

Note: This Tentative Agenda is subject to change throughout the course of the meeting. It is provided to give a general idea of the board's anticipated schedule. The board will attempt to hold to this schedule; however, the board is not constrained by this Tentative Agenda.

Friday, March 15, 8:30 a.m.

OPENING BUSINESS

Call to Order / Purpose of Meeting

Introductions of Board Members and Staff

Board Member Ethics Disclosures

AGENCY AND OTHER REPORTS (See List of Oral Reports)

PUBLIC & ADVISORY COMMITTEE TESTIMONY upon conclusion staff reports

THE DEADLINE TO SIGN UP TO TESTIFY is 10:30 a.m. Saturday, March 16. Public testimony will continue until persons who have signed up before the deadline, and who are present when called by the Chair to testify, are heard.

Saturday, March 16, 8:30 a.m.

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY continued

Sunday, March 17, 9:00 a.m.

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY continued/concluded

BOARD DELIBERATIONS upon conclusion of public testimony

Monday, March 18 thru Thursday, March 21, 8:30 a.m.

BOARD DELIBERATIONS continued

Friday, March 22, 8:30 a.m.

BOARD DELIBERATIONS continued/conclude

MISCELLANEOUS BUSINESS, including petitions, findings and policies, letters, and other business

ADJOURN

Agenda Notes

1. Meeting materials, including a list of staff reports, a roadmap, and schedule updates, will be available prior to the meeting at: www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo or by contacting ADF&G Boards Support Section in Juneau at 465-4110.
2. A live audio stream for the meeting is intended to be available at: www.boardofgame.adfg.alaska.gov
3. The State of Alaska Department of Fish and Game complies with Title II of the Americans with Disabilities Act of 1990 (ADA). Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this hearing and public meeting should contact 465-4110 no later than two weeks prior to start of the meeting to make any necessary arrangements.

**Alaska Board of Game
Interior and Eastern Arctic Region Meeting
Pike's Waterfront Lodge, Fairbanks, AK
March 15-22, 2024**

Tentative List of Oral Reports

Friday, March 15, 2024 (following opening business)

1. State and Federal Agency Reports and Updates
2. Review of Factors in Public and Agency Predator Control for Mulchatna Caribou, 2012-2023 - Tom Paragi, ADF&G
3. Interior and Eastern Arctic Region Overview – Lincoln Parrett, ADF&G
4. Overview of Subsistence Uses of Wildlife in the Interior & Eastern Arctic Region – Jesse Coleman, ADF&G
5. Moose Hunter Effort and Networks in the Upper Koyukuk Valley, 2011-2017 – Jesse Coleman, ADF&G
6. Wood Bison – Innoko Management Plan and Lower Tanana Implementation Plan – Tom Seaton, ADF&G
7. Interior and Eastern Arctic Dall Sheep Status Update and Current Research – Brad Wendling, ADF&G

Report to be Provided during Deliberations

McGrath Area – Units 19, 21A & 21E

- Management Area Overview - Josh Peirce, ADF&G

Tok Area – Units 12 and 20E

- Management Area Overview – Jeff Gross, ADF&G

Delta Junction Area – Unit 20D

- Management Area Overview - Bob Schmidt, ADF&G

Galena Area – Units 21B, C, D & 24

- Management Area Overview - Glenn Stout, ADF&G

Northeast Alaska Area – Units 25A, B, D, 26B & C

- Management Area Overview – Mark Nelson, ADF&G

Fairbanks Area – Units 20A, B, C, F & 25C

- Management Area Overview – Tony Hollis, ADF&G

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF GAME

The Alaska Board of Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with the use and taking of game. Regulations subject to board action are in 5 AAC 84, 85, 92, 98, and 99 for the Western, Arctic, and Interior areas of Alaska. The board will also address topics for other Game Management Units and statewide provisions including statewide reauthorization of antlerless moose hunts and brown bear tag fee exemptions as described below.

The following subject matter areas are to be addressed for the Western Arctic/Western Region (Game Management Units 18, 22, 23, and 26A) and the Interior and Eastern Arctic Region (Game Management Units 12, 19, 20, 21, 24, 25, 26B, and 26C):

- A. **TRAPPING SEASONS AND BAG LIMITS** for furbearers, including wolf, muskrat, beaver, lynx, marten, wolverine, and black bear.
- B. **HUNTING SEASONS AND BAG LIMITS** for all species including moose, muskox, caribou, black bear, brown bear, Dall sheep, wolf, wolverine, and small game including ptarmigan. In addition, the potential for identifying general, Tier I or Tier II hunting for each population, and the reauthorization of antlerless moose hunts.
- C. **LICENSES, HARVEST TICKETS, HARVEST REPORTS, TAGS, FEES, AND PERMITS** including discretionary and required permit hunting and trapping conditions and procedures including trophy destruction of musk ox horns, proxy hunting for bison, moose, and caribou, special provisions for moose, caribou, and Dall sheep drawing permit hunts; and permits for hunting bear with the use of bait or scent lures.
- D. **METHODS AND MEANS FOR TAKING BIG GAME, GAME, FUR ANIMALS, AND FURBEARERS**, including lawful and unlawful methods of taking big game, game, and furbearers including the taking of bears with the use of bucket snares; taking moose with minimum sized calibers for rifles and ammunition; taking beaver with underwater traps or snares; and taking furbearers with the use of night vision goggles and forward-looking infrared devices.
- E. **POSSESSION, TRANSPORTATION, AND USE OF GAME** including salvage and sealing requirements, and destruction of trophy value of game required in specific areas.
- F. **RESTRICTED AREAS** including areas closed to hunting and trapping including closed areas for taking wolves near Denali National Park and caribou along the Steese Highway; Management Areas including Eastern Brooks Range Management Area; and Controlled Use Areas including the Anaktuvuk Pass, Wood River, and the Holitna-Hoholitna Controlled Use Areas.
- G. **INTENSIVE MANAGEMENT, NON-INTENSIVE MANAGEMENT, AND PREDATOR CONTROL IMPLEMENTATION PLANS** including prey populations and populations having a positive finding as identified big game prey populations, predation control areas implementation plans including reauthorizing existing programs, establishing new programs, and allowing the aerial take of predators. Additionally, establishing a non-intensive management predator control plan within the Tok Management Area to benefit Dall sheep.
- H. **CUSTOMARY AND TRADITIONAL USES OF GAME POPULATIONS AND AMOUNTS REASONABLY NECESSARY FOR SUBSISTENCE** including moose in Units 19 and 22.

- I. **ADDITIONAL TOPICS:** The board will address the following topics which were approved through the agenda change request process, inadvertently omitted or scheduled incorrectly, or in the case of antlerless moose hunts and brown bear tag fees, must be authorized annually. For the Western Arctic/Western region meeting, January 26 – 29, 2024: Seasons and bag limits for musk ox in Unit 23 (Proposal 209) and brown bear tag fee reauthorizations for Units 18, 22, 23 and 26A (Proposal 190). For the Interior and Eastern Arctic region meeting, March 15 – 22, 2024: Seasons, bag limits, and permit conditions for goat in Unit 1A (Proposal 211); Game Management Unit boundary for Units 20A and 20C (Proposal 210); seasons and bag limits for moose in Unit 19E (Proposal 208), and the legal bag limit for Dall sheep for all Interior and Eastern Arctic Region Units (Proposal 207).

The board will also take action on non-regulatory items during the meetings such as resolutions, findings, letters, and delegations. Miscellaneous actions occur typically at the end of the meeting under miscellaneous business but action may occur earlier in the meeting.

The proposed regulation changes are available on the Board of Game meeting information website at www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo or from the ADF&G Boards Support Section Office at (907) 465-4110. Additional information will be added to each meeting website as it becomes available for each meeting.

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments by the announced deadlines listed below, limited to no more than 100 single-sided or 50 double-sided pages.

Written comments can be submitted to the Board of Game online at www.boardofgame.adfg.alaska.gov, by fax to (907) 465-6094; or mailed to the Alaska Board of Game, ADF&G Boards Support Section at P.O. Box 115526, Juneau, AK 99811-5526.

Comments must include a first and last name, community of residence, and the proposal numbers for which the comments pertain. Comments without this information will not be part of the board meeting workbook, indexed, or cross referenced with proposals, but they will be compiled and posted on the meeting information website. Written comments that are submitted are public records and are subject to public inspection.

The deadlines for receiving comments are January 12, 2024, for the Western Arctic/Western Region meeting, and March 1, 2024, for the Interior and Eastern Arctic Region meeting. Once the meetings begin, comments will be accepted online as record copies, by hand delivery at the meeting, or via fax to (907) 465-6094. Comments submitted during the meetings are limited to ten single-sided or five double-sided pages in length from any one individual or group.

As a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier. Additionally, groups of people submitting numerous, form-like comments containing similar language during the meeting is not advisable, and Boards staff will be unable to process and distribute the comments to the board during the meeting. These types of comments will be grouped together or summarized for the board in a single submission.

The Board of Game shall consider all factual, substantive, and relevant comments in accordance with the Administrative Procedure Act, Alaska Statute 44.62.210. Comments having disparaging statements or personal attacks will be withheld or redacted.

The public hearing portion of the meetings is scheduled at the beginning of each meeting following staff reports and will continue until everyone who has signed up and is present when called has been given the opportunity to be heard. However, state advisory committee representatives may elect to provide testimony at a later portion of the meetings. Additional public hearings may be held throughout the meetings just before consideration and adoption of proposed changes in the regulations. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at the meeting. The length of oral statements may be limited to three to five minutes, or less for the public and 10 to 15 minutes or less for fish and game advisory committee and regional advisory council representatives. Everyone interested in, or affected by, the subject matter contained in this legal notice should provide written or oral comments if they wish to have their views considered by the board.

TENTATIVE BOARD OF GAME MEETING DATES & LOCATIONS

Western Arctic/Western Region Meeting

January 26-29, 2024

National Guard Armory

605 3rd Avenue, Kotzebue, Alaska

Interior and Eastern Arctic Region Meeting

March 15-22, 2024

Pike's Waterfront Lodge

1850 Hoselton Drive, Fairbanks, Alaska

Any changes to meeting location, dates or times, or rescheduling of topics or subject matter will be announced by news release and posted on the board's website. Please watch for these announcements or call (907) 465-4046. Please carefully review the **PROPOSAL INDEX and the additional proposals on the above-mentioned websites** for all specific proposal issues to be addressed by the board.

Anyone interested in or affected by subsistence and general hunting or trapping regulations is hereby informed that, by publishing this legal notice, the Board of Game may consider any or all of the subject areas covered by this notice. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR STAFF.** Pursuant to AS 44.62.200, the board may review the full range of activities appropriate to any of the subjects listed in this notice. After the public hearings, the Board of Game may adopt these or other provisions dealing with the same subject, without further notice, or amend, reject, supplement, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU ARE ENCOURAGED TO COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

If you are a person with a disability who may need special accommodations in order to participate in this process, please contact ADF&G, Boards Support Section at (907) 465-4046 no later than two weeks prior to the beginning of each meeting to ensure that any necessary accommodations can be provided.

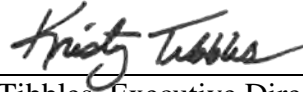
Statutory Authority: AS 16.05, AS 16.30.

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.255; AS 16.05.256;

AS 16.05.258; AS 16.05.270; AS 16.05.330; AS 16.05.340; AS 16.05.346; AS 16.05.405; AS 16.05.407; AS 16.05.780; AS 16.05.783, and AS 16.30.010 – .030.

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: December 7, 2023



Kristy Tibbles, Executive Director
Alaska Board of Game
465-6098

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(g))

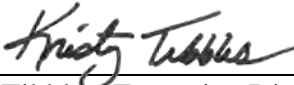
1. Adopting agency: Alaska Board of Game
2. General subject of regulation: Hunting and trapping regulations for the Western, Arctic and Interior Regions, statewide reauthorizations for antlerless moose hunts and brown tag fees, and miscellaneous topics for other game management units.
3. Citation of regulations: 5 AAC 84, 85, 92, 98, and 99
4. Department of Law file number (if any):
5. Reason for the proposed action:
 - compliance with federal law
 - compliance with new or changed state statute
 - compliance with court order
 - development of program standards
 - Other: Regularly scheduled topics and other miscellaneous provisions for the Board of Game Western Arctic/Western Region & the Interior and Eastern Arctic Regions. Implement, interpret, or make specific the provisions of AS 16.05-16.30.
6. Appropriation/Allocation: Natural Resources and all RDUs
7. Cost of implementation to the state agency and available funding: It is not possible to estimate costs. However, this action is not expected to require an increased appropriation.
8. The name of the contact person for the regulations:

Name: Kristy Tibbles
Title: Executive Director, Board Game
Address: Boards Support Section
Alaska Dept. of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
Telephone: (907) 465-6098
E-mail: kristy.tibbles@alaska.gov

9. The origin of the proposed action:

staff of state agency
 federal government
 general public

10. Date: December 7, 2023 Prepared by:



Kristy Tibbles, Executive Director
Alaska Board of Game
465-6098

ALASKA BOARD OF GAME
Interior/Eastern Arctic Region Meeting
Pike’s Waterfront Lodge | Fairbanks, Alaska
March 15-22, 2024

TENTATIVE ROADMAP

Regionwide & Multiple Units (11 proposals)

_____ **PROPOSAL 43:** Change all general season sheep harvest tickets in Units 12, 19, 20, 21, 24, 25, 26B, and 26C to registration permits, and allow hunters to obtain a registration permit once every two years

_____ **PROPOSAL 44:** Reduce the sheep bag limit for resident hunters in Units 12, 19, 20, 24, 25, 26B and 26C to one ram with full-curl horn or larger every two regulatory years

_____ **PROPOSAL 45:** Reduce the Unit 12, 19, 20, 24, 25, 26B, and 26C sheep bag limit for residents to one ram with full-curl horn or larger every four regulatory years

_____ **PROPOSAL 46:** Change all sheep hunting in Units 12, 19, and 20 to drawing permit only for residents and nonresidents, with a set allocation of permits between user groups

_____ **PROPOSAL 207:** Repeal the age criteria for full-curl horn rams for Dall sheep hunts in Interior and Eastern Arctic Region Units

_____ **PROPOSAL 47:** Allow proxy hunting for bison in Units 12, 19 and 20

_____ **PROPOSAL 48:** Reauthorize resident grizzly/brown bear tag fee exemptions throughout Interior and Northeast Alaska

_____ **PROPOSAL 49:** Clarify which rivers in Units 12, 19, 20, 21, 24, 25, 26B, and 26C are major rivers for the purposes of bear baiting

_____ **PROPOSAL 50:** Lengthen the marten trapping season in Units 12, 19, 20, 21, 24 and 25 by two weeks to end March 15

_____ **PROPOSAL 51:** Align muskrat trapping seasons with beaver trapping seasons in Units 19, 20 (except 20E), 21, 24, 25, 26B, and 26C

_____ **PROPOSAL 52:** Allow the use of night vision goggles and forward-looking infrared devices for taking furbearers with a trapping license in Units 12, 19, 20, 21, 24, 25, 26B, and 26C

McGrath Area - Units 19, 21A and 21E (56 proposals)

- _____ **PROPOSAL 53:** Revise the Amount Necessary for Subsistence (ANS) for moose in Unit 19
- _____ **PROPOSAL 54:** Review the Amount Necessary for Subsistence (ANS) for moose in Unit 19
- _____ **PROPOSAL 55:** Establish a positive Intensive Management finding for moose in Unit 19C
- _____ **PROPOSAL 56:** Create separate Intensive Management (IM) population and harvest objectives for Unit 19A, Unit 19B and Unit 19E
- _____ **PROPOSAL 57:** Modify the Intensive Management Plan for Unit 19
- _____ **PROPOSAL 58:** Authorize a Unit 19A predation control program
- _____ **PROPOSAL 59:** Lengthen the resident only Tier II moose hunt, TM680, in Unit 19A by opening the season five days earlier
- _____ **PROPOSAL 60:** Allow aerial wolf control in a portion of Unit 19C
- _____ **PROPOSAL 61:** Allow the take of wolves in Unit 19C the same day a person has been airborne and create an Intensive Management Plan for Unit 19C
- _____ **PROPOSAL 62:** Establish an Intensive Management program for Unit 19C
- _____ **PROPOSAL 63:** Change the Unit 19C registration permit moose hunt RM653, to a drawing permit for nonresidents, issue up to 20 permits, and shorten the season to September 8-17
- _____ **PROPOSAL 64:** Change the Unit 19C moose hunts to a drawing hunt for both residents and nonresidents, and specify the number of permits available for residents, guided nonresidents, and nonguided nonresidents
- _____ **PROPOSAL 65:** Reauthorize the Unit 19D Intensive Management Plan
- _____ **PROPOSAL 66:** Modify the moose hunting season dates and permit requirements in Unit 19D
- _____ **PROPOSAL 67:** Reauthorize a winter any-moose season during February in a portion of Unit 19D
- _____ **PROPOSAL 208:** Lengthen the moose hunting season in Unit 19E by five days; allow proxy hunting, and eliminatethe restriction of one permit per household.

- _____ **PROPOSAL 68:** Allow moose registration permit RM682 to be obtained online
- _____ **PROPOSAL 69:** Allow hunters that hold registration moose permit RM682 in Unit 19 to be eligible to hold other moose permits in the Kuskokwim River drainage
- _____ **PROPOSAL 70:** Make fifteen registration moose permits for the Unit 19E moose hunt available in Bethel
- _____ **PROPOSAL 71:** Eliminate the Holitna-Hoholitna Controlled Use Area in Unit 19
- _____ **PROPOSAL 72:** Change the restrictions of the Holitna-Hoholitna Controlled Use Area by allowing outboards with greater than 40 horsepower to hunt a portion of the season
- _____ **PROPOSAL 73:** Reauthorize the Intensive Management Plan for Unit 21E for six years
- _____ **PROPOSAL 74:** Require applicants for Unit 21E moose drawing hunt DM837 to provide a unique verification number when applying for that hunt
- _____ **PROPOSAL 75:** Reauthorize a winter any-moose season during part of February and March in Unit 21E
- _____ **PROPOSAL 76:** Reopen all Unit 19C sheep hunts
- _____ **PROPOSAL 77:** Reopen Unit 19C to sheep hunting
- _____ **PROPOSAL 78:** Reauthorize nonresident Dall sheep hunting in Unit 19C
- _____ **PROPOSAL 79:** Reopen Unit 19C to nonresident sheep hunters
- _____ **PROPOSAL 80:** Reopen sheep hunting in Unit 19C to nonresidents
- _____ **PROPOSAL 81:** Reestablish seasons and bag limits for sheep hunting in Unit 19C
- _____ **PROPOSAL 82:** Change nonresident sheep hunting in Unit 19C
- _____ **PROPOSAL 83:** Reopen sheep hunting in Unit 19C to nonresidents, by bow and arrow only
- _____ **PROPOSAL 84:** Change the sheep bag limit in Unit 19C for resident hunters to one ram with full-curl horn or larger every two regulatory years.
- _____ **PROPOSAL 85:** Set the sheep bag limit in Unit 19C for resident hunters based on the age of the ram harvested, for six to eight year old rams
- _____ **PROPOSAL 86:** Set the sheep bag limit in Unit 19C for resident hunters based on the age of the ram harvested, for six to ten year old rams

- _____ **PROPOSAL 87:** Shorten the sheep hunting season in Unit 19C for residents and open a season for nonresidents in Unit 19C
- _____ **PROPOSAL 88:** Change all sheep hunting in Unit 19C to archery only, and require future nonresident sheep hunting in Unit 19C to be by bow and arrow only
- _____ **PROPOSAL 89:** Reopen the subsistence winter sheep hunts in Unit 19C
- _____ **PROPOSAL 90:** Reopen the late season resident only subsistence sheep registration hunt RS380 in Unit 19C
- _____ **PROPOSAL 91:** Modify sheep hunting opportunity in Unit 19C or other subunits in the western Alaska Range by implementing a sheep management plan
- _____ **PROPOSAL 92:** Close all nonresident sheep hunting in Unit 19
- _____ **PROPOSAL 95:** Lengthen the brown/grizzly bear hunting season in Unit 19C
- _____ **PROPOSAL 93:** Lengthen the resident and nonresident brown/grizzly bear season in Unit 19C by opening the season on August 10
- _____ **PROPOSAL 94:** Lengthen the brown/grizzly bear season by opening the hunt in the fall on the same day as the sheep and caribou seasons and closing the hunt on June 30
- _____ **PROPOSAL 96:** Lengthen the resident and nonresident brown/grizzly bear hunting season by changing the start date to August 10
- _____ **PROPOSAL 97:** Lengthen the brown/grizzly bear hunting season and increase the bag limit in Unit 19C
- _____ **PROPOSAL 98:** Lengthen the brown/grizzly bear hunting season in Unit 19C by one month to align with Units 19A, 19D, and 19E
- _____ **PROPOSAL 99:** Open the brown/grizzly bear hunting season in Unit 19C for residents and nonresidents on August 10
- _____ **PROPOSAL 100:** Lengthen the brown/grizzly bear season in Unit 19E to year-round
- _____ **PROPOSAL 101:** Allow brown/grizzly bears to be taken over bait in Unit 19C, and to be taken at a bait site the same day a hunter has flown
- _____ **PROPOSAL 102:** Open a fall bear bait season in Unit 19E
- _____ **PROPOSAL 103:** Increase the bag limit for black bear in Units 19B and 19C from three to five

_____ **PROPOSAL 104:** Remove the requirement for a general season black bear harvest ticket in Unit 19D

_____ **PROPOSAL 105:** Allow brown/grizzly bears to be taken over bait in Unit 21A

_____ **PROPOSAL 106:** Allow hunting of black and brown bear with the use of bait or scent lures in Unit 21E

_____ **PROPOSAL 107:** Open a fall brown/grizzly bear baiting season in Unit 21E

Tok Area - Units 12 and 20E (17 proposals)

_____ **PROPOSAL 108:** Reactivate wolf control in a portion of Units 12, 20D, and 20E to benefit moose

_____ **PROPOSAL 109:** Allow wolves to be taken in Unit 12 the same day a person has been airborne

_____ **PROPOSAL 110:** Reauthorize the antlerless moose seasons in Unit 20E

_____ **PROPOSAL 111:** Add an archery only, five-day season for residents and nonresidents in Unit 12

_____ **PROPOSAL 112:** Limit nonresident hunting of the Fortymile caribou herd

_____ **PROPOSAL 113:** Close caribou hunting within ¼ mile or 100 yards of the Steese Highway above tree line on Eagle and Twelvemile summits in Unit 20

_____ **PROPOSAL 114:** Allow proxy hunting for caribou in Units 20B, 20D, 20E, 20F, and 24C registration hunts

_____ **PROPOSAL 115:** Require hunters taking Fortymile caribou to gut the animals in the field

_____ **PROPOSAL 116:** Implement a non-intensive management predator control plan within the Tok Management Area to benefit Dall sheep

_____ **PROPOSAL 117:** Allocate Tok Management Area sheep drawing permits

_____ **PROPOSAL 118:** Allocate a portion of the Tok Management Area sheep drawing permits to archery only, or create a new archery only hunting the area

_____ **PROPOSAL 119:** Set the sheep bag limit in Unit 12 for resident hunters based on the age of the ram harvested

_____ **PROPOSAL 120:** Increase the brown/grizzly bear bag limit for residents in a portion of Unit 12

_____ **PROPOSAL 121:** Increase the brown/grizzly bear bag limit for residents in a portion of Unit 12

_____ **PROPOSAL 122:** Lengthen the wolf hunting season in Units 12 and 20E by approximately six weeks to end on June 15

_____ **PROPOSAL 123:** Lengthen the wolf hunting season by approximately six weeks

_____ **PROPOSAL 124:** Lengthen the marten trapping season in Units 20E and 25B by two weeks, to close March 15

Delta Junction Area - Unit 20D (14 proposals)

_____ **PROPOSAL 125:** Change all general season harvest ticket moose hunts in Unit 20D to a registration permit

_____ **PROPOSAL 126:** Reauthorize the antlerless moose hunting seasons in Unit 20D

_____ **PROPOSAL 127:** Expand the hunt area and change the bag limit for the Unit 20D youth moose hunt YM792, and eliminate the drawing hunt DM791

_____ **PROPOSAL 128:** Change the bag limit for the youth moose hunt YM792 to one bull

_____ **PROPOSAL 129:** Change the bag limit for the youth moose hunt YM792

_____ **PROPOSAL 130:** Award up to 10% of permits for DS203 and DS204 to nonresidents, and remove the allocation between guided and nonguided nonresidents

_____ **PROPOSAL 131:** Allocate 10% of the Delta Controlled Use Area sheep drawing permits to nonresidents

_____ **PROPOSAL 132:** Allocate 20% of the resident only late season Delta Controlled Use Area sheep drawing hunt DS204 to archery only

_____ **PROPOSAL 133:** Allocate 20% of the resident only early season Delta Controlled Use Area sheep drawing hunt DS203 to archery only or create a new early season archery only hunt

_____ **PROPOSAL 134:** Change the time frame for which a person can be awarded Mt. Harper sheep drawing permit DS206 in Units 20E and 20D, to one permit every four regulatory years or once per lifetime

_____ **PROPOSAL 135:** Close Mount Harper sheep drawing hunt DS206 in Units 20D and 20E, to nonresidents

_____ **PROPOSAL 136:** Allow brown bears to be taken over bait in Unit 20D south of the Tanana River, and require a registration permit

_____ **PROPOSAL 137:** Allow brown bears to be taken over bait in all of Unit 20

_____ **PROPOSAL 138:** Allow brown bears to be taken over bait in Unit 20D south of the Tanana River

Galena Area - Units 21B, C, D & 26 (15 proposals)

_____ **PROPOSAL 139:** Reduce the bag limit for taking caribou in Units 21D Remainder, 22, 23, 24B Remainder, 24C, 24D and 26A to four caribou per year, only one of which may be a cow

_____ **PROPOSAL 140:** Close nonresident caribou hunting in Units 21D Remainder, 22, 23, 24B Remainder, 24C, 24D, and 26A

_____ **PROPOSAL 141:** Close the youth sheep hunts in Units 24A and 25A

_____ **PROPOSAL 142:** Change sheep hunting in portions of Units 24A and 25A to archery only

_____ **PROPOSAL 143:** Eliminate the extended season archery sheep hunts within the Dalton Highway Corridor Management Area

_____ **PROPOSAL 144:** Allow nonresident sheep hunting by drawing permit only in portions of Units 24A and 26B and reduce the season

_____ **PROPOSAL 145:** Reauthorize a winter any-moose season during March in a portion of Unit 21D

_____ **PROPOSAL 146:** Adopt an Intensive Management Program and implement wolf control on all state lands in Units 24A and 25A

_____ **PROPOSAL 148:** Create a predator control program for wolves in Units 24A and 25A

_____ **PROPOSAL 147:** Allow hunters to take wolves in Units 24 and 25 the same day they have been airborne

_____ **PROPOSAL 149:** Lengthen the wolf trapping season in Units 24 and the remainder of 25 by one month, to open October 1

_____ **PROPOSAL 150:** Lengthen the wolf hunting season in Units 24 and 25

_____ **PROPOSAL 151:** Increase the hunting bag limit for wolves in Units 24 and 25

_____ **PROPOSAL 152:** Increase the resident bag limit for brown bear in Units 24C and 24D, and open a fall bait season in Units 21B and 24B

_____ **PROPOSAL 153:** Lengthen the wolverine hunting and trapping seasons in Unit 21 by one month to end on April 30

Northeast Alaska Area - Units 25A, B, D, 26B & C (17 proposals)

_____ **PROPOSAL 154:** Change the bag limit for caribou in the Remainder of Unit 26B

_____ **PROPOSAL 155:** Increase resident caribou hunting opportunity in Unit 26B Remainder

_____ **PROPOSAL 156:** Change the nonresident caribou hunt in Unit 26B Remainder to a drawing hunt or registration hunt with a limited number of permits available

_____ **PROPOSAL 157:** Change the Unit 26A and Unit 26B muskox hunt area boundaries to match federal hunt boundaries, and expand the state hunt areas

_____ **PROPOSAL 158:** Allow nonresident sheep hunting by drawing permit only in portions of Units 25A, 26B, and 26C

_____ **PROPOSAL 159:** Open a resident only archery only hunt for sheep in the Eastern Brooks Range Management Area with aircraft restrictions, and modify the existing youth hunt in the same area

_____ **PROPOSAL 160:** Change sheep hunting in a portion of the Arctic National Wildlife Refuge to archery only

_____ **PROPOSAL 161:** Change sheep hunting in a portion of the Arctic National Wildlife Refuge to archery only

_____ **PROPOSAL 162:** Change sheep hunting in a portion of the Arctic National Wildlife Refuge to archery only

_____ **PROPOSAL 163:** Align salvage requirements for caribou in Units 25B, 25C, and 25D with Unit 25A to require meat of caribou remain on the bone when harvested prior to October 1

_____ **PROPOSAL 164:** Require the liver, heart, and tongue of moose and caribou harvested in Units 25 to be salvaged

_____ **PROPOSAL 165:** Create an intensive management plan for reducing wolves in Unit 25D

_____ **PROPOSAL 166:** Establish trapping seasons for black and brown/grizzly bears and allow black and brown/grizzly bears to be taken by bucket snares in Unit 25D

- _____ **PROPOSAL 167:** Lengthen the season dates for Unit 26B nonresident drawing brown bear hunt DB987 by opening the season two weeks earlier, on August 10
- _____ **PROPOSAL 168:** Lengthen the Unit 26B brown bear hunting seasons within the Dalton Highway Corridor Management Area for residents and nonresidents
- _____ **PROPOSAL 169:** Remove the resident registration permits RB988 and RB989 for brown bear in Unit 26B
- _____ **PROPOSAL 170:** Lengthen the wolverine trapping season in Unit 25A by two weeks to close on April 15

Fairbanks Area - Unit 20A, B, C, F & 25C (18 proposals)

- _____ **PROPOSAL 171:** Change all general season harvest ticket hunts to registration permits for moose in Units 20A, 20B, 20C, 20F and 25C
- _____ **PROPOSAL 172:** Create a muzzleloader only moose hunt for residents and nonresidents in Unit 20A
- _____ **PROPOSAL 173:** Reauthorize the antlerless moose seasons in Unit 20A
- _____ **PROPOSAL 174:** Change the boundary of the Wood River Controlled Use Area in Unit 20A
- _____ **PROPOSAL 175:** Change the boundary of the Wood River Controlled Use Area in Unit 20A
- _____ **PROPOSAL 176:** Reduce the nonresident moose bag limit in portions of Unit 20B, and eliminate nonresident moose hunting opportunity in portions of Unit 20B
- _____ **PROPOSAL 177:** Extend the current moose season in Unit 20B Remainder by five days for certified bowhunters only
- _____ **PROPOSAL 178:** Reauthorize the antlerless moose seasons in Unit 20B
- _____ **PROPOSAL 179:** Shift the moose season dates in Unit 20B
- _____ **PROPOSAL 180:** Change the allocation of permits for Delta caribou hunt DC827 in Unit 20A
- _____ **PROPOSAL 181:** Allow nonresident sheep hunting in Unit 20A by drawing permit only
- _____ **PROPOSAL 182:** Lengthen the brown/grizzly bear season in Units 20A, 20B, and 25C for residents and nonresidents by two weeks to close on June 15

- _____ **PROPOSAL 183:** Lengthen the brown/grizzly bear hunting season in Unit 20A by two weeks to close on June 15
- _____ **PROPOSAL 184:** Lengthen the brown/grizzly bear hunting season in Unit 20A by three weeks to open August 10
- _____ **PROPOSAL 185:** Extend the brown/grizzly bear hunting season in Unit 20A and Unit 20B Remainder to close on June 30, to align with the rest of Unit 20
- _____ **PROPOSAL 186:** Close a portion of Unit 20C to wolf hunting and trapping
- _____ **PROPOSAL 187:** Lengthen the wolverine trapping season in Unit 20C to March 31.
- _____ **PROPOSAL 188:** Open beaver trapping in a portion of Unit 20B
- _____ **PROPOSAL 210:** Change the subunit boundary of Units 20A and 20C to the current reiver channel.

Proposals for Other Regions (13 proposals)

- _____ **PROPOSAL 211:** Change the hunt area boundary for Unit 1A goat hunt RG002 and accompanying permit issuance requirements.
- _____ **PROPOSAL 189:** Reauthorize the brown bear tag fee exemptions for the Central/Southwest Region
- _____ **PROPOSAL 190:** Reauthorize the current resident tag fee exemptions for brown bear in Units 18, 22, 23 and 26A
- _____ **PROPOSAL 191:** Reauthorize the antlerless moose season in Unit 6C
- _____ **PROPOSAL 192:** Reauthorize the antlerless moose seasons in Unit 13A
- _____ **PROPOSAL 193:** Reauthorize the antlerless moose seasons in Unit 13C
- _____ **PROPOSAL 194:** Reauthorize the antlerless moose seasons in Unit 13E
- _____ **PROPOSAL 195:** Reauthorize the antlerless moose draw permits in Units 14A and 14B
- _____ **PROPOSAL 196:** Reauthorize the antlerless moose seasons in Unit 14C
- _____ **PROPOSAL 197:** Reauthorize the antlerless moose season in the Twentymile/Portage/Placer hunt area in Units 7 and 14C
- _____ **PROPOSAL 198:** Reauthorize the antlerless moose season on Kalgin Island in Unit 15B
- _____ **PROPOSAL 199:** Reauthorize the antlerless moose seasons in Unit 15C
- _____ **PROPOSAL 200:** Reauthorize the antlerless moose season in Unit 17A



Alaska Board of Game

P.O. Box 115526

Juneau, AK 99811-5526

(907) 465-4110

www.boardofgame.adfg.alaska.gov

Alaska Board of Game Members

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRES</u>
Jerry Burnett, Juneau, Chair Jerry.burnett@alaska.gov	6/30/2024
Stosh (Stanley) Hoffman, Bethel, Vice-Chair Stosh.hoffman@alaska.gov	6/30/2026
Al Barrette, Fairbanks Allen.barrette@alaska.gov	6/30/2025
Dave Lorrington, Fairbanks Dave.lorrington@alaska.gov	6/30/2026
Jake Fletcher, Talkeetna Jacob.fletcher@alaska.gov	6/30/2026
James Cooney, Eagle River James.Cooney@alaska.gov	6/30/2024
Ruth Cusack, Chugiak Ruth.Cusack@alaska.gov	6/30/2025

Alaska Board of Game members may also be reached by contacting

Kristy Tibbles, Executive Director, Alaska Board of Game

Email: kristy.tibbles@alaska.gov | Phone: (907) 465-6098

www.boardofgame.adfg.alaska.gov



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Juneau, AK 99811-5526

(907) 465-4110

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**ALASKA BOARD OF GAME
2023/2024 Cycle
Tentative Meeting Dates**

Meeting Dates	Topic	Location	Comment Deadline
January 25, 2024 (1 day)	Work Session	Kotzebue National Guard Armory	January 18, 2024
January 26-29, 2024 (4 days)	Western Arctic/Western Region Game Management Units 18, 22, 23, & 26A	Kotzebue National Guard Armory	January 12, 2024
March 15-22, 2024 (8 days)	Interior and Eastern Arctic Region Game Management Units 12, 19, 20, 21, 24, 25, 26B, and 26C	Fairbanks Pikes Waterfront Lodge	March 1, 2024

Total Meeting Days: 13

Agenda Change Request Deadline: Wednesday, November 1, 2023

(The Board of Game will meet via teleconference to consider Agenda Change Requests following the November 1 deadline.)

MEMORANDUM

State of Alaska Department of Law

TO: Kristy Tibbles
Executive Director
Alaska Board of Game

DATE: March 11, 2024

TEL. NO.: 907-269-5232

FROM: Cheryl Rawls Brooking
Sr. Assistant Attorney General
Natural Resources Section
Department of Law

SUBJECT: March 2024
Interior & Eastern Arctic Region
Board of Game meeting

GENERAL COMMENTS

In general, ethics disclosures: Before staff reports begin on any new agenda item, or, if preferred, at the very beginning of the meeting, Ethics Act disclosures and determinations must be made under AS 39.52.

In general, record-making: It is very important that Board members carefully explain and clearly summarize on the record the reasons for their actions and the grounds upon which the actions are based. The Alaska Supreme Court has stressed the importance of a clear record to facilitate the courts in determining that the Board's actions are within its authority and are reasonable. A clear record also assists the public in understanding the Board's rationale. If Board members summarize the reasons for their actions before they vote, it will help establish the necessary record.

In considering each proposal, and the specific requirements that apply in some cases, such as with the subsistence law, it is important that the Board thoroughly discuss and summarize on the record the basis and reasons for its actions. Consistency with past approaches is another important point for discussion. If a particular action does not appear to be consistent, Board members should discuss their reasons for a different approach.

The Alaska Administrative Procedure Act requires that State agencies, including the Board of Game, "[w]hen considering the factual, substantive, and other relevant matter, ... pay special attention to the cost to private persons of the proposed regulatory action." AS 44.62.210(a). This requirement to pay special attention to costs means, at a minimum, that the Board should address any information presented about costs, or explicitly state that no such information was presented, during deliberation of any proposal likely to be adopted. In our view, this requirement does not go so far as to mandate that the Board conduct an independent investigation of potential costs, nor does it require that cost factor into the Board's decision more than, for example, conservation concerns might. However,

it does require the Board to address and “pay special attention to” costs relevant to each regulation adopted.

In general, written findings: If any issue is already in court, or is controversial enough that you believe it might result in litigation, or if it is complex enough that findings may be useful to the public, the Department, or the Board in the future, it is important that the Board draft and adopt written findings explaining its decisions. From time to time, the Department of Law will recommend that written findings be adopted, in order to better defend the Board’s action. Such recommendations should be carefully considered, as a refusal to adopt findings, in these circumstances, could mean that the Board gets subjected to judicial oversight and second-guessing which might have been avoided. The Alaska Supreme Court has stressed the importance of an adequate decisional document, or written finding, to a determination that the Board has acted within its authority and rationally in adopting regulations, and has deferred to such findings in the past.

In general, subsistence: For each proposal the Board should consider whether it involves or affects identified subsistence uses of the game population or sub-population in question. If action on a proposal would affect a subsistence use, the Board must be sure that the regulations provide a reasonable opportunity for the subsistence uses, unless sustained yield would be jeopardized. If the Board has not previously done so, it should first determine whether the game population is subject to customary and traditional uses for subsistence and what amount of the harvestable portion, if any, is reasonably necessary for those uses. *See* 5 AAC 99.025 for current findings on customary and traditional uses and amounts reasonably necessary for subsistence uses. The current law requires that the Board have considered at least four issues in implementing the preference:

- (1) Identify game populations or portions of populations customarily and traditionally taken or used for subsistence; *see* 8 criteria at 5 AAC 99.010(b);
- (2) determine whether a portion of the game population may be harvested consistent with sustained yield;
- (3) determine the amount of the harvestable portion reasonably necessary for subsistence uses; and
- (4) adopt regulations to provide a reasonable opportunity for subsistence uses.

Reasonable opportunity is defined to mean “an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.” AS 16.05.258(f). It is not to be construed as a guarantee of success.

The amount of the harvestable portion of the game population that is reasonably necessary for subsistence uses will depend largely on the amount of the game population used for subsistence historically and the number of subsistence users expected to participate. This may require the Board to determine which users have been taking game for subsistence purposes, and which ones have not. Once the Board has determined the amount reasonably necessary for subsistence uses, the Board should by regulation provide an opportunity that allows the predicted number of normally diligent participants a reasonable expectation of success in taking the subject game. The Board may base its determination of reasonable opportunity on all relevant information including past subsistence harvest levels of the game population in the specific area and the bag limits, seasons, access provisions, and means and methods necessary to achieve those harvests, or on comparable information from similar areas.

If the harvestable portion of the game population is not sufficient to provide for subsistence uses and any other consumptive uses, the Board is required to eliminate non-subsistence uses in order to provide a reasonable opportunity for subsistence uses. If the harvestable portion of the game population is still not sufficient to provide a reasonable opportunity for all subsistence uses, the Board is required to eliminate non-subsistence consumptive uses and distinguish among the subsistence users based on the following Tier II criteria:

- (1) The customary and direct dependence on the game population by the subsistence user for human consumption as a mainstay of livelihood; and
- (2) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated. AS 16.05.258.

In general, intensive management: Under AS 16.05.255 (e), (f) and (g), the Board should assure itself that the steps outlined below have been followed when acting on proposals dealing with ungulate populations.

First - Determine whether the **ungulate** population is **important for high levels of human consumptive use**. The Board has already made many of these determinations. *See* 5 AAC 92.108. However, these past findings do not preclude new findings, especially if based on new information.

– If so, then subsequent intensive management analysis may be required.

– If not, then no further intensive management analysis is required.

Second - Is the ungulate population **depleted** or will the Board be **significantly reducing the taking** of the population? *See* 5AAC 92.106(5) for the Board's current definition of "significant" as it relates to intensive management.

The Board must determine whether depletion or reduction of productivity, or Board action, is likely to cause a significant reduction in harvest.

- If either is true, then subsequent intensive management analysis is required.
- If not, then further intensive management analysis is not required.

Third - Is intensive management appropriate?

(a) If the population is depleted, has the Board found that consumptive use of the population is a preferred use? Note that the Legislature has already found that “providing for high levels of harvest for human consumption in accordance with the sustained yield principle is the highest and best use of identified big game prey populations in most areas of the State ...” In the rare cases where consumptive use is not a preferred use, then the Board need not adopt intensive management regulations.

(b) If consumptive uses are preferred, and the population is depleted or reduced in productivity so that the result may be a significant reduction in harvest, the Board must consider whether enhancement of abundance or productivity is feasibly achievable using recognized and prudent active management techniques. At this point, the Board will need information from the Department about available recognized management techniques, including feasibility. If enhancement is feasibly achievable, then the Board must adopt intensive management regulations.

(c) If the Board will be significantly reducing the taking of the population, then it must adopt, or schedule for adoption at its next meeting, regulations that provide for intensive management *unless*:

1. Intensive management would be:
 - A. Ineffective based on scientific information;
 - B. Inappropriate due to land ownership patterns; or
 - C. Against the best interests of subsistence users;

Or

2. The Board declares that a biological emergency exists and takes immediate action to protect and maintain the population and also schedules for adoption those regulations necessary to restore the population.

Comments on Individual Proposals

Proposal 46 would amend 5 AAC 85.055 to modify all sheep hunts in U12, 19, and 20 and allocate 20% of permits to nonresidents, with 10% of the nonresident permits to nonresidents with resident relatives within the second degree of kindred. To be clear, as written, the 2DK hunters would receive 10% of 20%, or 2% of the permits, not half.

Proposals 53 and 54 seek to amend the ANS for moose in U19. The Board should keep in mind that the Alaska Supreme Court upheld a change in ANS where the ANS was not improperly manipulated to achieve a predetermined outcome. *Manning v. State*, 355 P.3d 530, 537 (Alaska 2015).

Proposal 70 would amend 5 AAC 85.045, regarding moose hunting in U19E, to make 15 registration permits available in Bethel to residents who live on the Kuskokwim River. The Board cannot allocate permits to residents based on domicile, but can adopt a regulation if all Alaska residents are eligible to participate.

Proposal 74 would amend 5 AAC 85.050 and .069 to require unique verification numbers for transporters to be supplied by nonresidents applying for DM837 unguided moose permits. The Board cannot regulate transporters. A licensed transporter has a license number but there is no regulation in place requiring licensed transporters to acquire UVCs. The Big Game Commercial Services Board has the authority to, by regulation, require UVCs for transporters.

Proposal 81 addresses sheep hunting in U19C. The suggestion that board generated proposals may not be legal is incorrect.

Proposals 85 and 86 would modify resident sheep hunting in U19C. If this proposal is adopted, the Board should address certain ambiguities. For example, would a 6 or 7 year old be a legal take but a hunter, by taking the animal, is agreeing not to hunt sheep for a few seasons? Would the restrictions on future hunting of sheep be statewide or just in U19C?

Proposal 109 would amend 5 AAC 92.113 to allow wolves to be taken in U12 same-day-airborne (“SDA”) if 300 feet from the airplane. By statute, SDA hunting of wolves and wolverines is prohibited unless permitted under an active intensive management program. For such active programs, the Board adopted 5 AAC 92.039 for the department to issue permits when appropriate. This proposal may violate the statute to the extent it would authorize SDA hunting of wolves where there is no active IM program and the Board’s harvest and population objectives are met.

Proposal 113 would close hunting near the Steese Highway. If adopted, the Board should specify distance from the highway and dates of the closure.

Proposal 119 would amend the sheep bag limit in U12. If adopted, the Board should clarify if the sheep hunting restrictions would be statewide or limited to U12. To the extent this would impose a penalty on guides, the Board lacks authority.

Proposal 120 would amend 5 AAC 85.020 to increase the brown bear bag limit for residents in a portion of U12 to 2 per regulatory year. The justification for the proposal is that brown bear is an important food source, but the Board adopted a negative customary and traditional use finding for brown bear in this area. Under current regulations, where the bag limit is 2 or more, skulls and hides may be sold. If the intent is to provide food, the Board may consider meat salvage requirements or destruction of trophy value.

Proposal 127 would amend the youth hunt in U20D and restrict the hunt to resident youth. AS 16.05.255(i) allows nonresident youth to participate in a youth hunt if accompanied by a resident relative.

Proposals 146 and 148 would amend 5 AAC 92.124 to adopt an intensive management program for moose, and to authorize predator control of wolves, in U24A and U25A. The Board adopted a negative IM finding for moose in U25A.

Proposal 147 would amend 5 AAC 92.124 to allow SDA take of wolves in U24A and U25A. SDA would only be allowed under AS 16.05.783, and permits issued by the department under 5 AAC 92.039, if there is an active IM program and the Board's population and harvest objectives are not being met. In addition, the Board adopted a negative IM finding for moose in U25A.

Proposal 166 would allow black and brown bears to be taken by bucket snaring. Brown bears are not furbearers as defined in regulation at 5 AAC 92.990(a)(32).



Memorandum

To: Jerry Burnett
Chair
Alaska Board of Game

From: Captain Brent Johnson
Northern Detachment Commander
Alaska Wildlife Troopers

Date: February 20, 2024

Subject: AWT Comments, Eastern Interior Board of Game Meeting

Chairman Burnett, please see the attached comments from the Department of Public Safety, Division of Alaska Wildlife Troopers concerning proposals before the board during the upcoming Eastern Arctic/Eastern Interior Board of Game meeting.

Proposal 52: AWT is not opposed to increasing opportunity to harvest furbearers but is concerned that in many locations there are concurrent open seasons for big game animals. It would be difficult for Troopers to determine if a person contacted in the field with NVG's or a FLIR optic was only hunting furbearers. The person could just as easily be targeting moose, bison, or caribou during an open season that is occurring during the same dates and in the same GMU's as an open furbearer season.

Proposal 113: AWT is opposed to this proposal as written. "Treeline" is not defined in statute or regulation. A suggested change would be to identify mile markers that identified the start and stop areas of the ¼ mile closed zone.

Proposal 115: AWT opposes this proposal as written. AWT does not generally support having different salvage requirement regulations in different portions of the same GMU or neighboring GMU's. This proposal does not identify affected GMU's and only lists a specific hunt for a specific caribou herd. Additionally, examples provided in the proposal of areas where the proponent would not want viscera left are technically considered part of the "field" under current regulation. This issue could instead be addressed as a permit hunt condition for this particular hunt via the authority found in 5AAC 92.052(24).

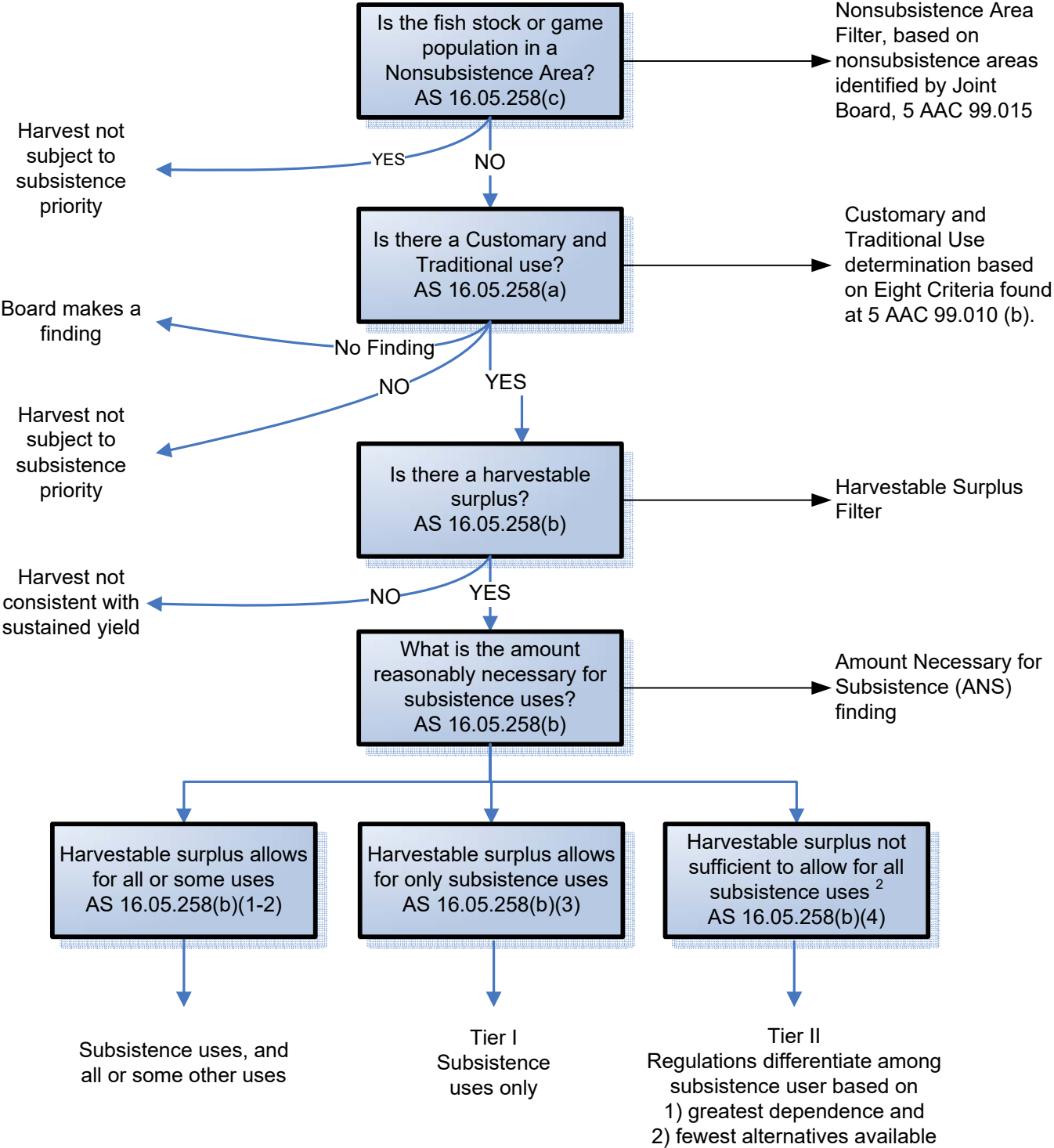
Proposal 174/175: AWT opposes changing the boundary of this controlled use area due to the confusion it could cause to hunters. River and stream banks are a natural boundary that is easy to see both from the air and the ground during all seasons.

State subsistence materials

1. Alaska Board of Fisheries and Game steps when considering regulations that affect subsistence uses (flowchart)
2. Board of Game subsistence regulatory process in six steps
3. Tier II or Not? Steps to analyze hunting opportunity, Board of Game
4. State subsistence statutes, with notes (AS 16.05.258, 16.05.259, 16.05.940)
5. State subsistence regulations (5 AAC 99)
6. Maps of the five current state nonsubsistence areas (Ketchikan, Juneau, Valdez, Anchorage-Matsu-Kenai Peninsula, Fairbanks)

Alaska Board of Fisheries and Game Steps When Considering Regulations that Affect Subsistence Uses

Alaska Statute 16.05.258 Subsistence Use and Allocation of Fish and Game



² Harvestable surplus below lower end of ANS range

Alaska Department of Fish and Game
**Steps When the Board of Game is Considering Subsistence Uses and
Regulatory Proposals**

Note: these steps are based on those described in the state subsistence statute -- AS 16.05.258

1. Nonsubsistence Area Filter

Is the game population in the proposal in a nonsubsistence area? (*See* descriptions of these areas at 5 AAC 99.015; see also maps of these areas in board notebooks.) If all of the game population is in a nonsubsistence area, there is no need for the board to address subsistence uses: subsistence harvests are not allowed in a nonsubsistence area. To address game populations outside a nonsubsistence area, then the board goes to Step 2.

2. Customary and Traditional Use Determination

The board determines if there is a customary and traditional use of the game population by considering information about the use pattern or pattern(s) and applying the eight criteria found at 5 AAC 99.010. If there has been a previous positive finding, then this step is unnecessary, and the board goes to Step 3. If there has been a previous negative finding, there is no need to address subsistence uses further, unless the proposal is for reconsidering a negative finding. The board may periodically reconsider previous customary and traditional use findings.

3. Harvestable Surplus Filter

The board determines if a portion of the game population be harvested consistent with sustained yield, by considering biological information. If there is no harvestable surplus, then the board authorizes no harvest of the game under the sustained yield mandate, and there is no need to address subsistence uses further. If there is a harvestable surplus, then the board goes to Step 4.

4. Amount Reasonably Necessary for Subsistence

The board determines the amount reasonably necessary for subsistence uses, considering information about the subsistence use pattern(s). If there has been a previous determination on the amount, then the board goes to Step 5. The board may periodically reconsider and update amounts reasonably necessary for subsistence.

5. Subsistence Regulations and Reasonable Opportunity Finding

The board determines and adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, which is defined as an opportunity that allows a normally diligent participant with a reasonable opportunity for success in harvesting the game [AS 16.05.258(f)].

When the harvestable surplus meets or exceeds the amount determined by the board to provide a reasonable opportunity for success in harvesting, then further harvest restrictions are not necessary. Harvest regulations for other uses may be adopted by the board after subsistence regulations are adopted that provide a reasonable opportunity for success in harvesting.

If a proposal is for a reduction in subsistence harvest opportunity, regulations allowing harvest of the game population for other uses must be restricted first before restricting a reasonable opportunity for subsistence uses.

AS 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

- (4) the amount and distribution of cash income among those domiciled in the area or community;
- (5) the cost and availability of goods and services to those domiciled in the area or community;
- (6) the variety of fish and game species used by those domiciled in the area or community;
- (7) the seasonal cycle of economic activity;
- (8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;
- (9) the harvest levels of fish and game by those domiciled in the area or community;
- (10) the cultural, social, and economic values associated with the taking and use of fish and game;
- (11) the geographic locations where those domiciled in the area or community hunt and fish;
- (12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;
- (13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, “reasonable opportunity” means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game. (§ 6 ch 52 SLA 1986; am § 2 ch 1 SSSLA 1992)

Administrative Code. — For subsistence uses, see 5 AAC 99.

Editor’s notes. — Sections 3 and 12, ch. 1, SSSLA 1992, which provided for a delayed amendment of this section, were repealed by §§ 1 and 2, ch. 1, FSSLA 1998 before the delayed amendment took effect.

NOTES TO DECISIONS

Rural residency requirement unconstitutional. — The requirement contained in the 1986 subsistence statute (ch. 52, SLA 1986), that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates Alaska Const., art. VIII, §§ 3, 15, and 17. *McDowell v. State*, 785 P.2d 1 (Alaska 1989).

Prohibition of subsistence permits for residents in nonsubsistence areas invalid. — The requirements of the equal access clauses apply to both tiers of subsistence users. Just as eligibility to participate in all subsistence hunting and fishing cannot be made dependent on whether one lives in an urban or rural area, eligibility to participate in Tier II subsistence hunting and fishing cannot be based on how close one lives to a given fish or game population. Subsection (b)(4)(B)(ii), which uses the proximity of the domicile of the Tier II subsistence permit applicant to the fish or game population which the applicant wishes to harvest as a basis for the applicant’s eligibility, violates sections 3, 15, and 17 of article VIII of the Alaska Constitution. *State v. Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

Creation of nonsubsistence areas not unconstitutional. — The statutory provision in subsection (c) mandating the creation of nonsubsistence areas does not violate sections 3, 15, and 17 of article VIII of the Alaska Constitution because the provision by itself without the proximity of domicile provisions does absolutely bar subsistence uses for certain residents. *State v. Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

Authority of Board of Game. — Section 1605.258(b)(2) not only grants the Alaska Board of Game the authority to differentiate between subsistence uses, it requires the Board to adopt regulations that provide a reasonable opportunity for subsistence uses of those game populations that are customarily and traditionally taken or used for subsistence. *Alaska Fish & Wildlife Conservation Fund v. State*, 347 P.3d 97 (Alaska 2015).

Regulations adopted under former AS 16.05.257 had to be in accordance with the Administrative Procedure Act (AS 44.62). *State v. Tanana Valley Sportsmen’s Ass’n*, 583 P.2d 854 (Alaska 1978). While former AS 16.05.257, which authorized the Board of Game to adopt regulations providing for subsistence hunting, did not specifically refer to the Administrative Procedure Act (AS 44.62), it appeared clear that it merely set forth an additional purpose for which regulations might be promulgated. *State v. Tanana Valley Sportsmen’s Ass’n*, 583 P.2d 854 (Alaska 1978).

Considerations in adopting regulations. — The boards of fisheries and game have the discretion to adopt regulations that recognize the needs, customs, and traditions of Alaska residents, but they are not mandated to do so when formulating their subsistence regulations. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Decision of the Alaska Joint Boards of Fisheries and Game to use the non-rural boundaries as starting points for their nonsubsistence determinations was not inconsistent with subsection (c) of this section. *State v. Kenaitze Indian Tribe*, 83 P.3d 1060 (Alaska 2004).

Decision of the Alaska Joint Boards of Fisheries and Game to use large nonsubsistence starting areas or even to combine two proposed areas did not exceed their discretion; although the boundaries encompassed relatively large areas, an “area or community” as the words are used in subsection (c) of this section may encompass several subdistricts grouped together. *State v. Kenaitze Indian Tribe*, 83 P.3d 1060 (Alaska 2004).

“Sustained yield”. — The term “sustained yield” in subsection (b) is potentially broad enough to include authority in the game board to restrict even subsistence hunting in order to rebuild a damaged game population. However, the board does not have absolute discretion in this area. There must be a balance of minimum adverse impact upon rural residents who depend upon subsistence use of resources and recognized scientific principles of game management. *Kwethluk IRA Council v. Alaska*, 740 F. Supp. 765 (D. Alaska 1990).

The state has a compelling interest in maintaining a healthy and sustainable king salmon population in the Kuskokwim River, and the population would be harmed if the court granted a religious exemption to allow all Yup’ik subsistence fishers to fish for king salmon according to their sincerely held religious beliefs without regard to emergency closures or gear restrictions. *Phillip v. State*, 347 P.3d 128 (Alaska 2015).

“Area or community.” — The term “area or community” is broad enough to encompass several subdistricts grouped together. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

The subsistence law leaves the determination of which geographic boundaries constitute a subsistence area or community to the discretion of the fisheries board. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Familial relationship not required. — In evaluating a subsistence fishery proposal, the Board of Fisheries erroneously required users of salmon in an area to have a familial relationship with prior generations of subsistence users in the area; such interpretation of 5 AAC 99.010(b) was inconsistent with subsection (a)

and the definition of “customary and traditional” in AS 16.05.940. *Payton v. State*, 938 P.2d 1036 (Alaska 1997).

Invalid regulations severable. — Invalid portions of regulations established pursuant to the mandate of this section are severable from the remaining regulations if, standing alone, the regulation can be given legal effect and the legislature intended the provision to stand. *State v. Palmer*, 882 P.2d 386 (Alaska 1994).

Issuance of permits based on verbal instructions to agents held improper. — Nothing in the Administrative Procedure Act (AS 44.62) authorizes the Board of Game to impose requirements not contained in written regulations by means of oral instructions to agents. Such verbal additions to regulations involving requirements of substance are unauthorized and unenforceable. *State v. Tanana Valley Sportsmen’s Ass’n*, 583 P.2d 854 (Alaska 1978).

Adoption of eligibility criteria. — All Alaskans are eligible to participate in subsistence hunting and fishing, and the board of game lacks the authority to adopt eligibility criteria when the resource is sufficiently abundant to satisfy all subsistence users. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

The least intrusive standard applied by the superior court to board of game regulations for subsistence uses is not explicitly mentioned in the text of the subsistence preference laws nor can such a standard be reasonably implied from the fact that the subsistence law in this section accords a “preference” to subsistence users. The subsistence law provides a preference only by giving subsistence users “reasonable opportunity” to harvest the resource, and the superior court erred in its decision that the least intrusive standard was implied as a rule of construction for the term “reasonable opportunity.” *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Grouping of stock. — Since manageability is the key element in the classification of a category of fish as a “stock,” it was not unreasonable for the fisheries board to group salmon stocks together where it determined that subsistence users themselves “customarily and traditionally” took the species interchangeably. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Reasonable basis for Board of Game’s quota of caribou to be killed under former AS 16.05.257. — See *State v. Tanana Valley Sportsmen’s Ass’n*, 583 P.2d 854 (Alaska 1978).

Emergency caribou hunt allowed. — Native Alaskan villagers were granted injunctive relief permitting an emergency caribou hunt allowing the taking of 50 to 70 animals where the hunt was justified by economic conditions and would not adversely affect the herd. *Kwethluk IRA Council v. Alaska*, 740 F. Supp. 765 (D. Alaska 1990).

In affirming the grant of summary judgment to the state in a management team’s challenge to 5 AAC 85.045, the court determined that the regulation violated neither the sustained yield principle of Alaska Const. art. VIII, § 4, nor AS 16.05.255 and this section; the Board of Game acted within its discretion in adopting the regulation that allowed for the issuance of “up to” 400 hunting permits in a controlled use area because creating a controlled use area did not necessarily amount to designating a relevant animal population for management purposes, and it was reasonable not to manage moose in the region as a distinct game population. *Koyukuk River Basin Moose Co-Management v. Bd. of Game*, 76 P.3d 383 (Alaska 2003).

Regulations held valid. — 5 AAC 99.010(b) is constitutional, consistent with its enabling statute, and reasonably necessary to carry out the purposes of the subsistence state. AS 16.05.251(a)(6) and 16.05.258(a) allow the Board of Fisheries, to create regulations for classifying fish, and for identifying the

particular fish stocks that align with subsistence use patterns; the subsistence statute provides a general definition of the requirements for subsistence use, but 5 AAC 99.010(b) provides definitions of each specific component, and guidelines for how they should be applied. *Alaska Fish & Wildlife Conservation Fund v. State, Dep't of Fish & Game*, 289 P.3d 903 (Alaska 2012).

Department of Fish and Game regulations promulgated by the Alaska Board of Game managing caribou hunting, were upheld because the Board's "amount reasonably necessary for subsistence" calculation did not implicate, or violate, the equal access, uniform application, or equal protection clauses of the Alaska Constitution; the Board included a broad variety of subsistence uses, and its definition applied equally to all citizens. *Manning v. State*, 355 P.3d 530 (Alaska 2015), cert. denied.

Summary judgment in favor of the Department of Fish and Game, upholding regulations promulgated by the Alaska Board of Game managing caribou hunting, was proper because considerable evidence justified the Board's "amount reasonably necessary for subsistence" calculation; the Board reasonably concluded that there was a reasonable opportunity for subsistence uses, and managing the Nelchina caribou hunt was consistent with the statute and was reasonable and not arbitrary. *Manning v. State*, 355 P.3d 530 (Alaska 2015), cert. denied.

Regulations held invalid. — Board of game regulations establishing seasons and bag limits on the taking of moose and caribou were arbitrary and invalid, where the board did not follow or articulate its use of the statutory analytical process for adopting bag limits as to subsistence hunting, and the regulations imposed seasons not consistent with the board's findings as to established village customs and thereby unacceptably restricted the statutory preference for subsistence uses. *Bobby v. Alaska*, 718 F. Supp. 764 (D. Alaska 1989).

Trophy hunting regulations adopted by the board of game do not constitute compliance with the requirement of subsection (c) that the board adopt subsistence hunting regulations for game. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Where no hearing was ever held regarding whether regulations of the board of game were consistent with the subsistence law prior to their adoption as subsistence regulations, the challenged tag/fee and sealing regulations, as subsistence regulations applicable to the taking and use of brown/grizzly bears in the affected game management units, were invalid. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Board of Fisheries regulations that allowed the Department of Fish and Game to establish harvest limits through the permitting process held invalid; annual subsistence fishing harvest limit on sockeye salmon constitutes a "regulation" that was to be adopted by the Board of Fisheries in compliance with the Administrative Procedure Act. *Estrada v. State*, 362 P.3d 1021 (Alaska 2015).

Remand. — Where defendant was erroneously barred from challenging regulations prohibiting hunting with the aid of an artificial light and applying the prohibition against subsistence hunters, the case was remanded to allow defendant to demonstrate that the regulations were adopted without compliance with the Administrative Procedure Act, AS 44.62. *Totemoff v. State*, 905 P.2d 954 (Alaska 1995), cert. denied, 517 U.S. 1244, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

Cited in *Krohn v. State, Dep't of Fish & Game*, 938 P.2d 1019 (Alaska 1997).

AS 16.05.259. No subsistence defense.

In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses. (§ 7 ch 52 SLA 1986)

Revisor's notes. — Formerly AS 16.05.261. Renumbered in 1987.

NOTES TO DECISIONS

Power to challenge regulation. — A person charged with a subsistence hunting violation is not precluded by this section or by the federal Alaska National Interest Lands Conservation Act from challenging the regulation he is alleged to have violated. *Bobby v. Alaska*, 718 F. Supp. 764 (D. Alaska 1989).

Since *State v. Eluska*, 724 P.2d 514 (Alaska 1986) and this section prevent hunters who took game in the absence of any regulation authorizing them to do so from claiming a subsistence defense, a defendant was not prohibited from contesting the validity of a regulation which prohibits hunting with the aid of an artificial light. *Totemoff v. State*, 905 P.2d 954 (Alaska 1995), cert. denied, 517 U.S. 1244, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

AS 16.05.940. Definitions. In AS 16.05 — AS 16.40,

- (1) "aquatic plant" means any species of plant, excluding the rushes, sedges, and true grasses, growing in a marine aquatic or intertidal habitat;
- (2) "barter" means the exchange or trade of fish or game, or their parts, taken for subsistence uses
 - (A) for other fish or game or their parts; or
 - (B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;
- (3) "a board" means either the Board of Fisheries or the Board of Game;
- (4) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish, but does not include processing workers on floating fish processing vessels who do not operate fishing gear or engage in activities related to navigation or operation of the vessel; in this paragraph "operate fishing gear" means to deploy or remove gear from state water, remove fish from gear during an open fishing season or period, or possess a gill net containing fish during an open fishing period;
- (5) "commercial fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish, or other fish resources;
- (6) "commissioner" means the commissioner of fish and game unless specifically provided otherwise;
- (7) "customary and traditional" means the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game;
- (8) "customary trade" means the limited noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources; the terms of this paragraph do not restrict money sales of furs and furbearers;
- (9) "department" means the Department of Fish and Game unless specifically provided otherwise;
- (10) "domestic mammals" include musk oxen, bison, and reindeer, if they are lawfully owned;
- (11) "domicile" means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game;

- (12) “fish” means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian;
- (13) “fish derby” means a contest in which prizes are awarded for catching fish;
- (14) “fish or game farming” means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and “captivity” means having the fish or game under positive control, as in a pen, pond, or an area of land or water that is completely enclosed by a generally escape-proof barrier; in this paragraph, “fish” does not include shellfish, as defined in AS 16.40.199;
- (15) “fish stock” means a species, subspecies, geographic grouping, or other category of fish manageable as a unit;
- (16) “fish transporter” means a natural person who holds a fish transporter permit issued under AS 16.05.671;
- (17) “fishery” means a specific administrative area in which a specific fishery resource is taken with a specific type of gear; however, the Board of Fisheries may designate a fishery to include more than one specific administrative area, type of gear, or fishery resource; in this paragraph
- (A) “gear” means the specific apparatus used in the harvest of a fishery resource; and
- (B) “type of gear” means an identifiable classification of gear and may include
- (i) classifications for which separate regulations are adopted by the Board of Fisheries or for which separate gear licenses were required by former AS 16.05.550 — 16.05.630; and
- (ii) distinct subclassifications of gear such as “power” troll gear and “hand” troll gear or sport gear and guided sport gear;
- (18) “fur dealing” means engaging in the business of buying, selling, or trading in animal skins, but does not include the sale of animal skins by a trapper or hunter who has legally taken the animal, or the purchase of animal skins by a person, other than a fur dealer, for the person’s own use;
- (19) “game” means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 — AS 16.40;
- (20) “game population” means a group of game animals of a single species or subgroup manageable as a unit;
- (21) “hunting” means the taking of game under AS 16.05 — AS 16.40 and the regulations adopted under those chapters;
- (22) “nonresident” means a person who is not a resident of the state;
- (23) “nonresident alien” means a person who is not a citizen of the United States and whose permanent place of abode is not in the United States;
- (24) “operator” means the individual by law made responsible for the operation of the vessel;
- (25) “person with physical disabilities” means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;
- (26) “personal use fishing” means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;
- (27) “resident” means
- (A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person’s domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;
- (B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this

paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(28) "rural area" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;

(29) "seizure" means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 — AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(30) "sport fishing" means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(31) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(32) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game;

(33) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis;

(34) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

(35) "taxidermy" means tanning, mounting, processing, or other treatment or preparation of fish or game, or any part of fish or game, as a trophy, for monetary gain, including the receiving of the fish or game or parts of fish or game for such purposes;

(36) "trapping" means the taking of mammals declared by regulation to be fur bearers;

(37) "vessel" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but does not include aircraft. (§ 2 art I ch 95 SLA 1959; § 9 art III ch 94 SLA 1959; am §§ 1 — 4 ch 131 SLA 1960; am § 23 ch 131 SLA 1960; am § 1 ch 21 SLA 1961; am §§ 1, 2 ch 102 SLA 1961; am § 1 ch 160 SLA 1962; am §§ 13, 14 ch 31 SLA 1963; am § 2 ch 32 SLA 1968; am § 3 ch 73 SLA 1970; am § 1 ch 91 SLA 1970; am § 4 ch 110 SLA 1970; am § 1 ch 90 SLA 1972; am § 5 ch 82 SLA 1974; am §§ 26, 82 ch 127 SLA 1974; am §§ 18 — 20 ch 206 SLA 1975; am § 12 ch 105 SLA 1977; am §§ 14, 15 ch 151 SLA 1978; am § 1 ch 78 SLA 1979; am § 1 ch 24 SLA 1980; § 4 ch 74 SLA 1982; am § 24 ch 132 SLA 1984; am §§ 9 — 11 ch 52 SLA 1986; am § 5 ch 76 SLA 1986; am § 1 ch 114 SLA 1988; am § 9 ch 145 SLA 1988; am § 3 ch 6 SLA 1989; am § 15 ch 211 SLA 1990; am § 18 ch 30 SLA 1992; am § 2 ch 49 SLA 1992; am § 3 ch 90 SLA 1992; am § 4 ch 1 SSSLA 1992; am § 4 ch 9 SLA 1994; am § 3 ch 38 SLA 1997; am § 4 ch 112 SLA 2003)

Revisor's notes. — Reorganized in 1983, 1986, 1989, 1992, 2003, and 2012 to alphabetize the defined terms and to maintain alphabetical order. Former paragraph (13) was renumbered as AS 16.05.662(b) in 1992.

Both § 2, ch. 49, SLA 1992, and § 3, ch. 90, SLA 1992 amended former paragraph (12), now paragraph (17) of this section, defining “fishery”. Because the latter amendment took effect first and included the former amendment, paragraph (17) is set out as amended by § 3, ch. 90, SLA 1992.

Editor's notes. — Sections 5 and 12, ch. 1, SSSLA 1992, which provided for a delayed repeal of former paragraphs (36) and (37), now paragraphs (7) and (8) of this section, defining “customary and traditional” and “customary trade” respectively, were themselves repealed by §§ 1 and 2, ch. 1, FSSLA 1998 before the delayed repeal took effect.

Legislative history reports. — For report on ch. 32, SLA 1968 (HCSCSSB 50 am), see 1968 House Journal, p. 169. For report on the 1974 amendment of former paragraph (2), now paragraph (4) of this section, defining “commercial fisherman,” ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

For legislative letter of intent in connection with the amendment to (4) of this section, defining “commercial fisherman,” by § 1, ch. 114, SLA 1988 (CSSB 309 (Res)), see 1988 Senate Journal 2027. For an explanation of the 1994 amendment of (10) of this section, defining “domestic mammals,” see 1994 House Journal Supplement No. 12, February 22, 1994, page 2.

Opinions of attorney general. — The paragraph defining “resident” did not grant special resident privileges to military personnel. 1964 Op. Att’y Gen. No. 2.

Term “customary trade” as used in the definition of “subsistence uses” allows for limited exchanges for cash other than for purely personal or family consumption. 1981 Op. Att’y Gen. No. 11.

Definition of “subsistence uses” in terms of “customary and traditional uses of wild, renewable resources” reflects the equating of “subsistence use” with use by rural residents. 1981 Op. Att’y Gen. No. 11.

A domestic or nondomestic animal becomes feral when it returns to a wild state. In the case of a partially domesticated or captive wild animal such as a fox that escapes, this generally means when the animal is no longer under the control of its owner or the owner is not in direct pursuit. In the case of a domestic animal such as a cow or pig that escapes, it is “feral” when it is living as a wild creature, and this may take more or less time depending on the circumstances. In the case of a domestic animal trespassing upon public lands, it could be declared “feral” under statute or regulation. July 30, 1987 Op. Att’y Gen.

The statutory term “feral domestic animal” found in the definition of “game” now (19) is a contradiction in terms; any regulatory clarification should focus on what is a “feral animal” and explain that the term “feral domestic animal” is interpreted to mean a domestic or domesticated animal that has become feral. July 30, 1987 Op. Att’y Gen.

If factual information supported the proposition that it is “customary and traditional” to make handicraft articles from sea otter skins, and if sea otters are or have been taken customarily and traditionally for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, then skins of sea otters could be used for making handicrafts, even if the meat were not eaten. If sea otters were not customarily and traditionally taken for food, shelter, fuel, clothing, tools, or transportation, it would arguably not be permissible to harvest the animals only for handicraft purposes under subsistence regulations. Mar. 14, 1988 Op. Att’y Gen.

A member of the military who claims Alaska residency, and who is transferred to another state, may be allowed to obtain a “resident” rather than a “nonresident” hunting or fishing license in that state, based upon the service member’s military status. Alaska statutes allow for such a limited availability of resident licenses for military personnel who are stationed in Alaska but claim residency elsewhere. Determination of each service member’s status must be made on a case by case basis, but where the licensing and

residency laws of other jurisdictions mirror Alaska's, a service member may obtain a "resident" license in the other jurisdiction without forfeiting Alaska residency. 2003 Op. Att'y Gen. 14.

NOTES TO DECISIONS

Rural residency requirement unconstitutional. — The requirement contained in the 1986 subsistence statute (ch. 52, SLA 1986), that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates Alaska Const., art. VIII, §§ 3, 15, and 17. *McDowell v. State*, 785 P.2d 1 (Alaska 1989).

Intent. — 5 AAC 99.010(b) is consistent with AS 16.05.940 because AS 16.05.940 is not intended to grant subsistence rights to any long-term users of an area, and it was proper to consider the cultural, social, and economic context in which a harvest takes place; even if personal use fisheries met the subsistence statute's consistency and duration requirements, they might not have carried the cultural, social, spiritual, and nutritional importance that the subsistence statute protects. *Alaska Fish & Wildlife Conservation Fund v. State, Dep't of Fish & Game*, 289 P.3d 903 (Alaska 2012).

"Customary and traditional." — In evaluating a subsistence fishery proposal, the Board of Fisheries erroneously required users of salmon in an area to have a familial relationship with prior generations of subsistence users in the area; such interpretation of 5 AAC 99.010(b) was inconsistent with AS 16.05.258(a) and the definition of "customary and traditional" in this section. *Payton v. State*, 938 P.2d 1036 (Alaska 1997).

Since manageability is the key element in the classification of a category of fish as a "stock," it was not unreasonable for the fisheries board to group salmon stocks together where it determined that subsistence users themselves "customarily and traditionally" took the species interchangeably. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Movement of bison. — In an appeal that challenged the efforts of the Board of Game to control, by regulation, the movement of bison that strayed outside the boundaries of two game ranches on Kodiak Island, the Board's failure to consider AS 16.05.940(10) fell short of what was required under the Supreme Court's standard, which examines whether the regulation conflicts with other statutes. *Ellingson v. Lloyd*, 342 P.3d 825 (Alaska 2014).

Single and multiple fisheries distinguished. — Alaska fisheries board erred in finding that the differences in equipment the board authorized for open and cooperative fishers did not create two distinct fisheries under the definition of "fishery" in this section; the fishery at issue was a single fishery within the statutory definition, and the board did not alter that fact by making detail changes to the type of equipment used by the cooperative fishers. *Alaska Bd. of Fisheries v. Grunert*, 139 P.3d 1226 (Alaska 2006).

Regulation held invalid because inconsistent with statutory law. — See *Madison v. Alaska Dep't of Fish & Game*, 696 P.2d 168 (Alaska 1985).

Quoted in *United States v. Skinna*, 915 F.2d 1250 (9th Cir. 1990); *Peninsula Mktg. Ass'n v. State*, 817 P.2d 917 (Alaska 1991); *Kodiak Seafood Processors Ass'n v. State*, 900 P.2d 1191 (Alaska 1995); *Koyukuk River Basin Moose Co-Management v. Bd. of Game*, 76 P.3d 383 (Alaska 2003). Stated in *State v. Carlson*, 65 P.3d 851 (Alaska 2003).

Cited in *Starry v. Horace Mann Ins. Co.*, 649 P.2d 937 (Alaska 1982); *State v. Eluska*, 698 P.2d 174 (Alaska Ct. App. 1985); *Arkanakyak v. State, Com. Fisheries Entry Comm'n*, 759 P.2d 513 (Alaska 1988); *Jurco v. State*, 816 P.2d 913 (Alaska Ct. App. 1991); *West v. State*, 248 P.3d 689 (Alaska 2010).

5 AAC 99.010. Boards of fisheries and game subsistence procedures

(a) In applying a subsistence law, the Board of Fisheries and the Board of Game will provide for conservation and development of Alaska's fish and game resources according to sustained yield principles.

(b) Each board will identify fish stocks or game populations, or portions of stocks or populations, that are customarily and traditionally taken or used by Alaska residents for subsistence uses by considering the following criteria:

(1) a long-term consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns;

(2) a pattern of taking or use recurring in specific seasons of each year;

(3) a pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost;

(4) the area in which the noncommercial, long-term, and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established;

(5) a means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, but not excluding recent technological advances where appropriate;

(6) a pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation;

(7) a pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving; and

(8) 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.

(c) When circumstances such as increased numbers of users, weather, predation, or loss of habitat may jeopardize the sustained yield of a fish stock or game population, each board will exercise all practical options for restricting nonsubsistence harvest of the stock or population and may address other limiting factors before subsistence uses are restricted below the level the board has determined to provide a reasonable opportunity. If all available restrictions for nonsubsistence harvests have been implemented and further restrictions are needed, the board will eliminate nonsubsistence consumptive uses, and reduce the take for subsistence uses in a series of graduated steps under [AS 16.05.258](#) (b)(4)(B) - the "Tier II" distinction - by distinguishing among subsistence users through limitations based on

(1) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood; and

(2) repealed 2/23/2014;

(3) the ability of the subsistence user to obtain food if subsistence use of the stock or population is restricted or eliminated.

History: Eff. 5/30/82, Register 82; am 1/17/91, Register 117; am 5/15/93, Register 126; am 2/23/2014, Register 209

Authority: [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

5 AAC 99.015. Joint Board nonsubsistence areas

(a) The following areas are found by the Joint Board of Fisheries and Game to be nonsubsistence use areas:

(1) The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC [92.450\(1\)](#) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC [33.200\(a\)](#) (3), 1-D, as defined by 5 AAC [33.200\(a\)](#) (4), 1-E, as defined by 5 AAC [33.200\(a\)](#) (5), that portion of Section 1-F, as defined by 5 AAC [33.200\(a\)](#) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC [33.200\(b\)](#) , within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.

(2) The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by 5 AAC [92.450\(1\)](#) (C), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by 5 AAC [92.450\(4\)](#) , that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in 5 AAC [33.200\(k\)](#) (1) and (k)(2), Section 12-B, as defined in 5 AAC [33.200\(l\)](#) (2), and that portion of Section 12-A, as defined in 5 AAC [33.200\(l\)](#) (1), north of the latitude of Point Marsden and that portion of District 15, as defined in 5 AAC [33.200\(o\)](#) , south of the latitude of the northern entrance to Berners Bay, and including Berners Bay.

(3) The Anchorage-Matsu-Kenai Nonsubsistence Area is comprised of the following: Units 7, as defined by 5 AAC [92.450\(7\)](#) (except the Kenai Fjords National Park lands), 14, as defined by 5 AAC [92.450\(14\)](#) , 15, as defined by 5 AAC [92.450\(15\)](#) (except Kalgin Island and that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy Rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the eastern most point of Jakolof Bay and the eastern most point of Rocky Bay), 16(A), as defined by 5 AAC [92.450\(16\)](#) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC [21.100](#) (except those waters north of Point Bede which are west of a line from the eastern most point of Jakolof Bay north to the western most point of Hesketh Island including

Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the eastern most point of Rocky Bay; and those waters described in 5 AAC [01.555\(b\)](#) , known as the Tyonek subdistrict).

(4) The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC [92.450\(20\)](#) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC [92.450\(20\)](#) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC [92.450\(20\)](#) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC [92.450\(25\)](#) (C), the Preacher and Beaver Creek drainages.

(5) The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC [92.450\(6\)](#) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC [24.100](#), within the March 1993 Valdez City limits.

(b) Repealed 2/23/2014.

History: Eff. 5/15/93, Register 126; am 4/28/94, Register 130; am 2/23/2014, Register 209; am 7/1/2016, Register 218

Authority: [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

5 AAC 99.016. Activities permitted in a nonsubsistence area

(a) A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area of community. In a nonsubsistence area, the following activities will be permitted if so provided by the appropriate board by regulation:

- (1) general hunting, including drawing and registration permit hunts;
- (2) personal use, sport, guided sport, commercial fishing, and other fishing authorized by permit.

(b) Subsistence hunting and subsistence fishing regulations will not be adopted by a board for a nonsubsistence area and the subsistence priority does not apply in a nonsubsistence area.

History: Eff. 5/15/93, Register 126; am 2/23/2014, Register 209

Authority: [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

5 AAC 99.021. Definitions

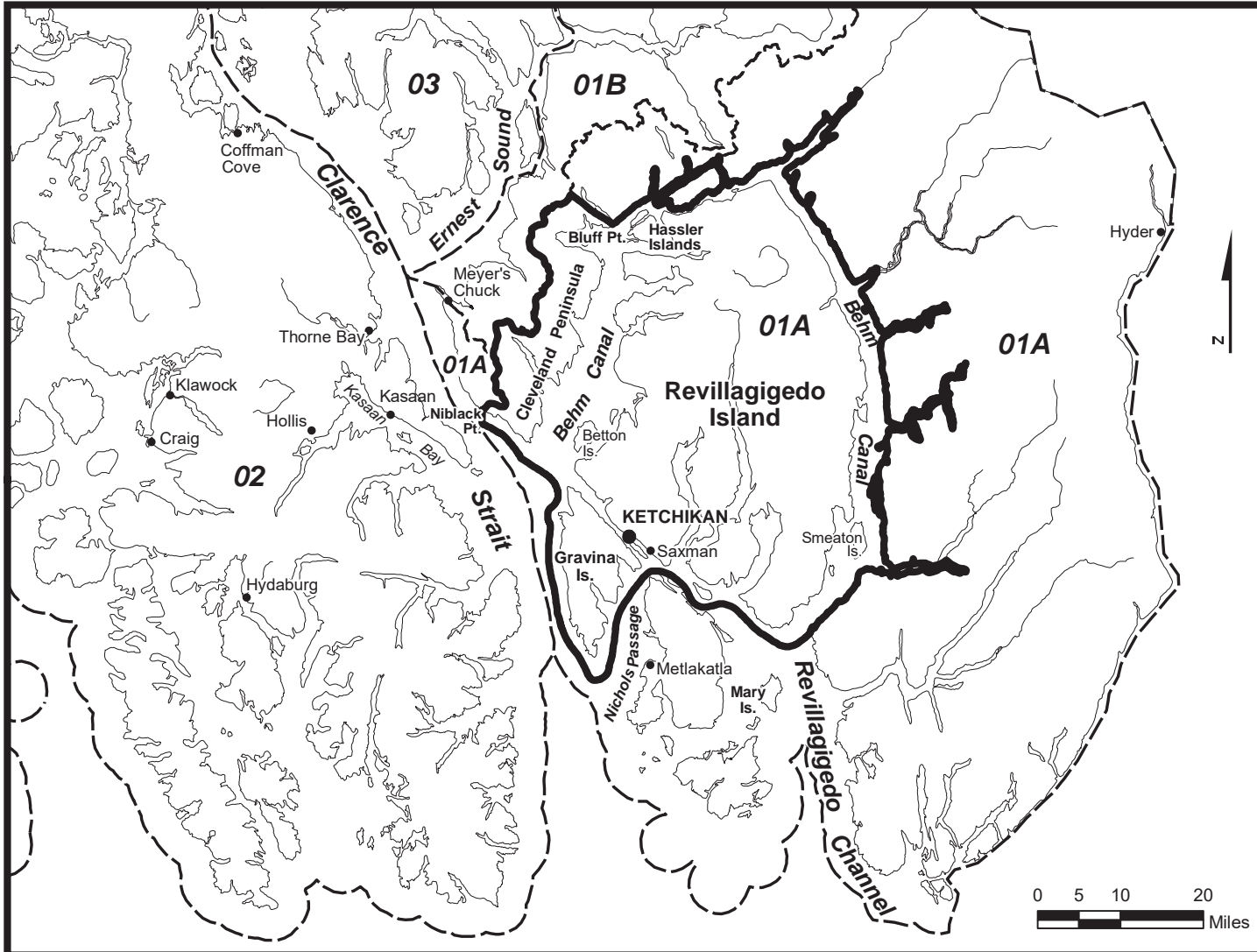
In addition to the definitions in [AS 16.05.940](#) , in this chapter,

- (1) "road-connected area" means the location of domiciles that are normally accessed by motorized highway vehicles operating on constructed roads that connect to the main highway system in the relevant area, including roads that can be negotiated during all portions of the year; in this paragraph, "normally accessed" means that it is reasonably feasible to transport persons, food, and other supplies to domiciles by motorized highway vehicles;
- (2) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident of the state for subsistence uses with a gillnet, seine, fish wheel, longline, or other means defined by the Board of Fisheries;
- (3) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident of the state for subsistence uses by means defined by the Board of Game;
- (4) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis.

History: Eff. 7/31/87, Register 103; am 2/23/2014, Register 209

Authority: [AS 16.05.258](#)



Ketchikan Nonsubsistence Area



The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC 92.450(1) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC 33.200(a) (3), 1-D, as defined by 5 AAC 33.200(a) (4), 1-E, as defined by 5 AAC 33.200(a) (5), that portion of Section 1-F, as defined by 5 AAC 33.200(a) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC 33.200(b), within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.



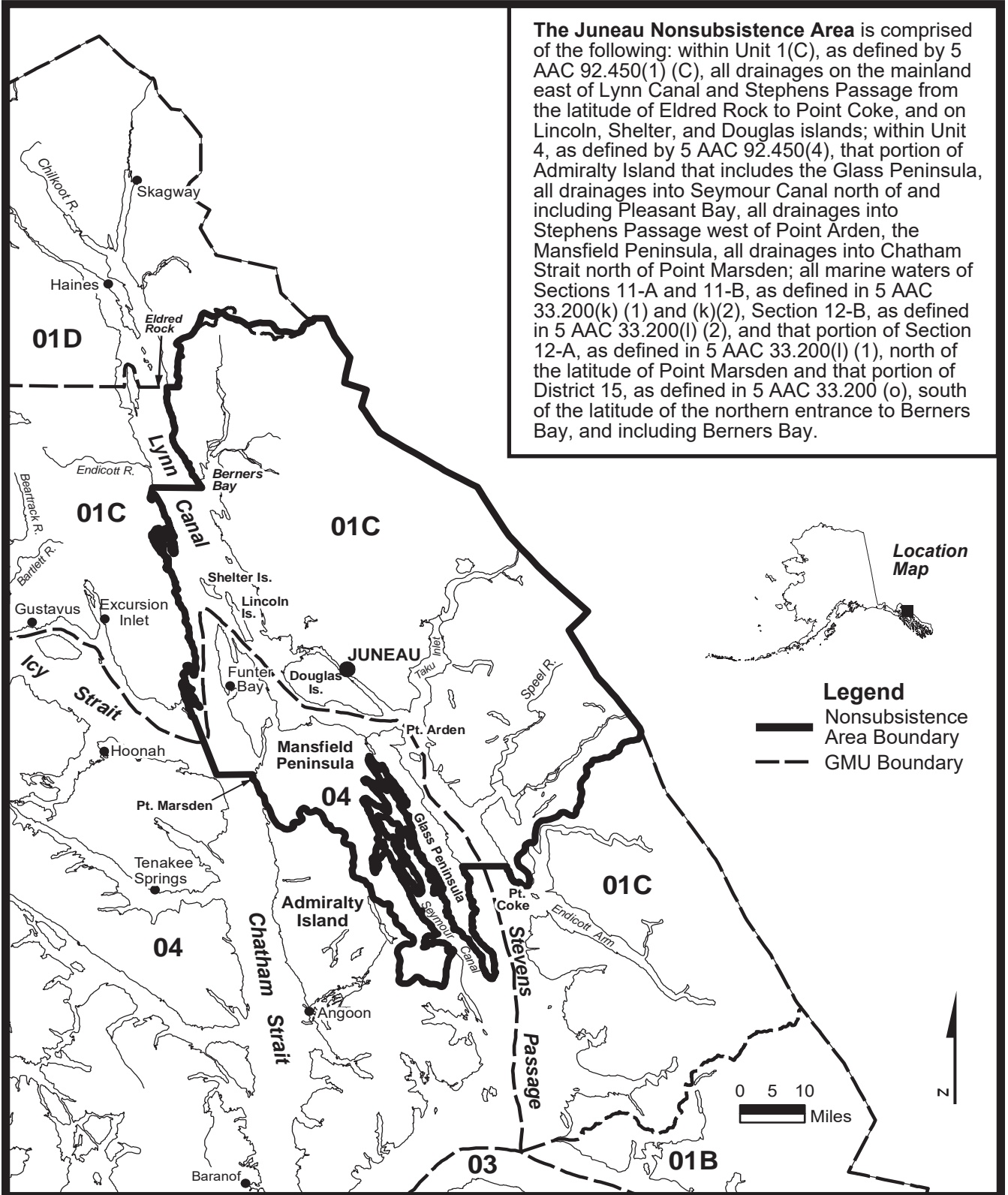
Legend

-  Nonsubsistence Area Boundary
-  GMU Boundary

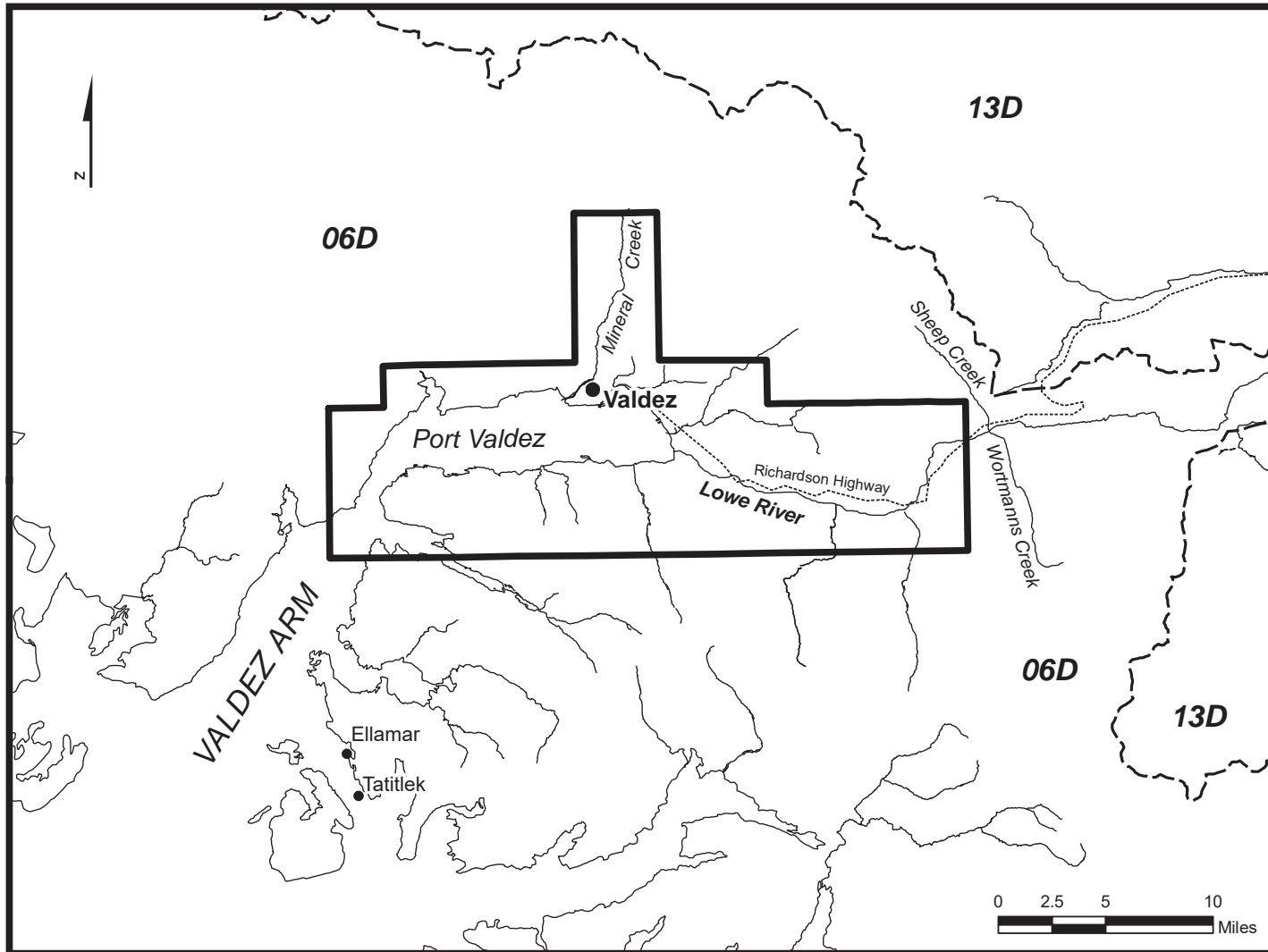


Juneau Nonsubsistence Area

The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by 5 AAC 92.450(1) (C), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by 5 AAC 92.450(4), that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in 5 AAC 33.200(k) (1) and (k)(2), Section 12-B, as defined in 5 AAC 33.200(l) (2), and that portion of Section 12-A, as defined in 5 AAC 33.200(l) (1), north of the latitude of Point Marsden and that portion of District 15, as defined in 5 AAC 33.200 (o), south of the latitude of the northern entrance to Berners Bay, and including Berners Bay.






Valdez Nonsubsistence Area



The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC 92.450(6) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC 24.100, within the March 1993 Valdez City limits.



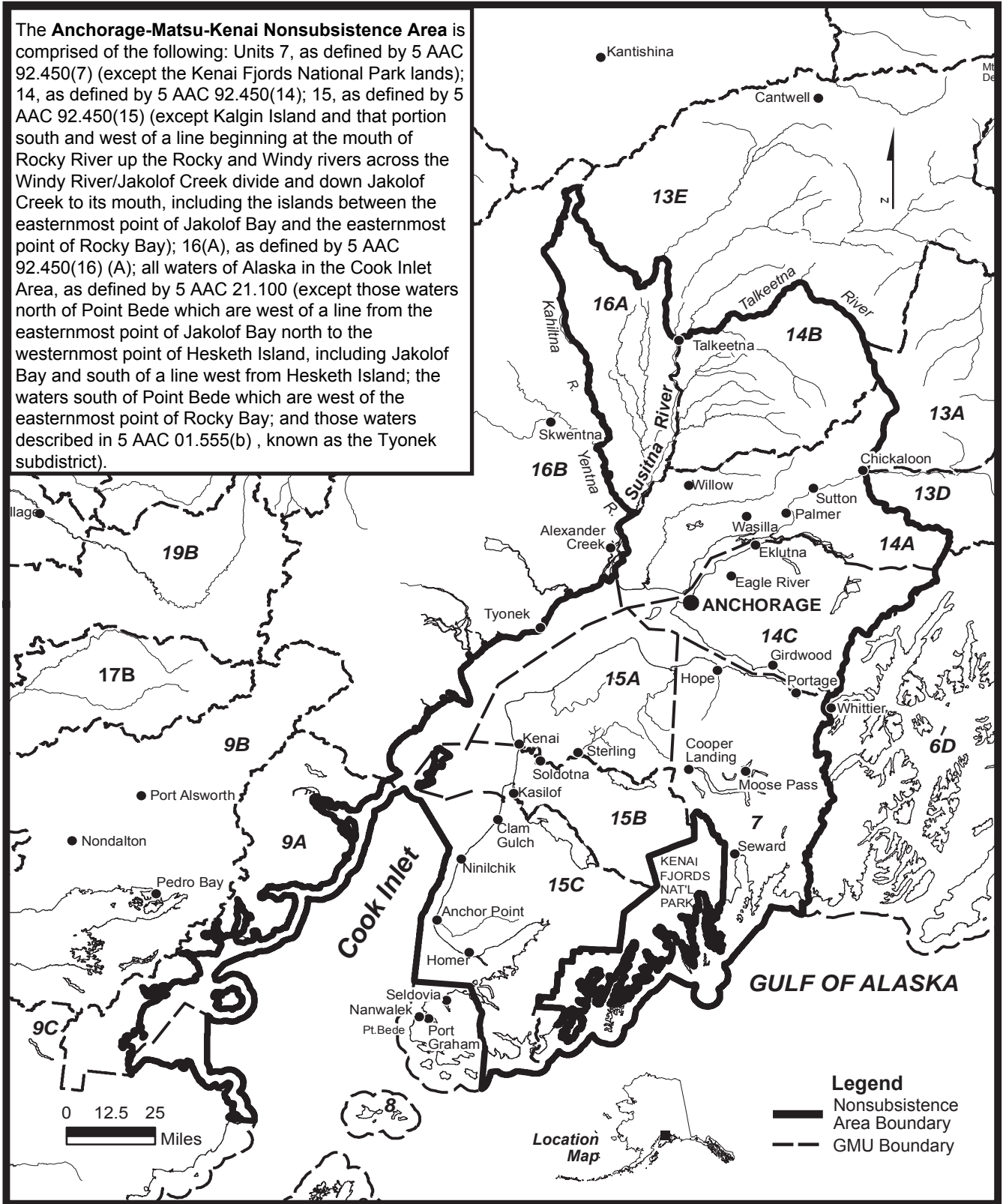
Legend

-  Nonsubsistence Area Boundary
-  GMU Boundary
-  Roads



Anchorage Nonsubsistence Area

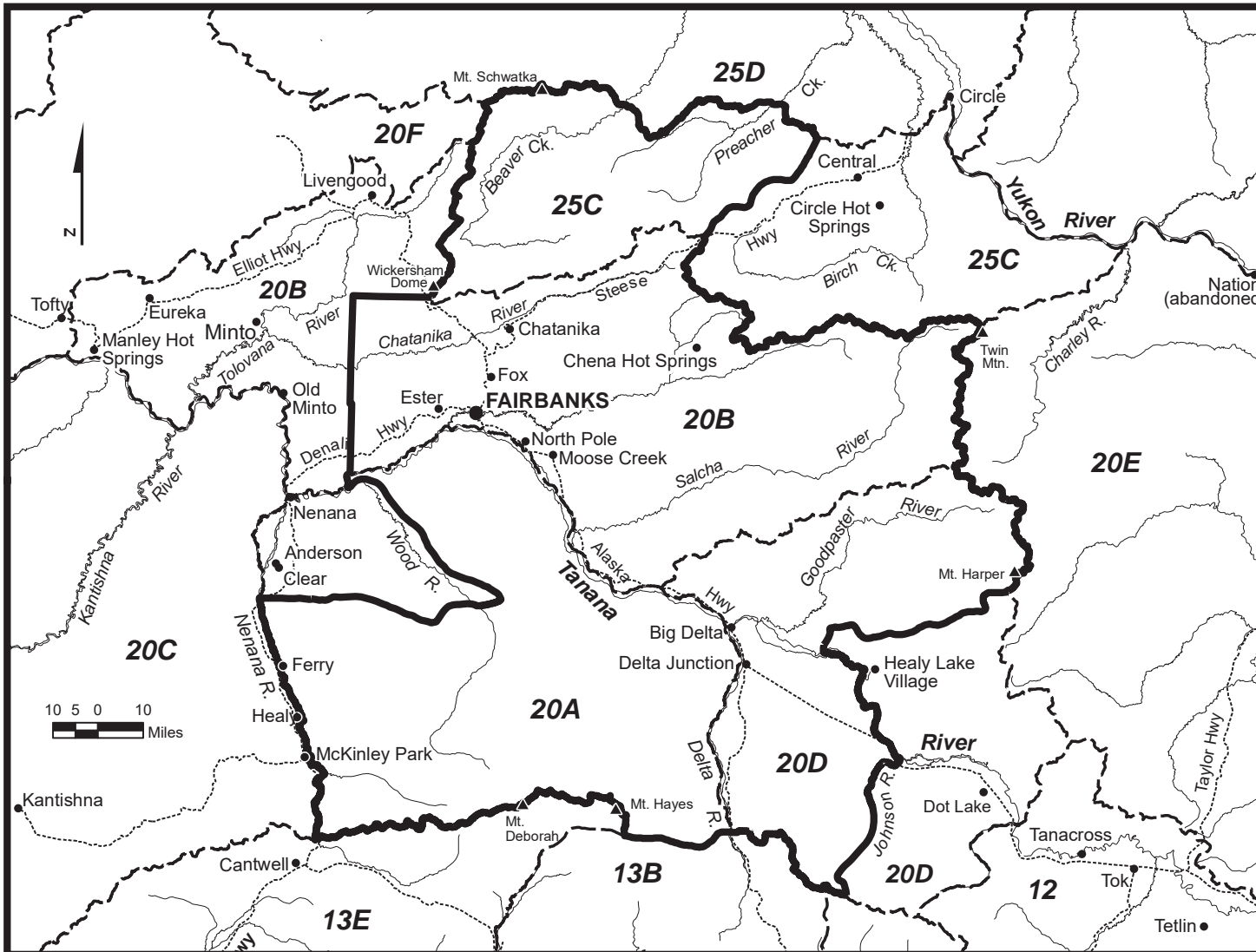
The **Anchorage-Matsu-Kenai Nonsubsistence Area** is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands); 14, as defined by 5 AAC 92.450(14); 15, as defined by 5 AAC 92.450(15) (except Kalgin Island and that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the easternmost point of Jakolof Bay and the easternmost point of Rocky Bay); 16(A), as defined by 5 AAC 92.450(16) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC 21.100 (except those waters north of Point Bede which are west of a line from the easternmost point of Jakolof Bay north to the westernmost point of Hesketh Island, including Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the easternmost point of Rocky Bay; and those waters described in 5 AAC 01.555(b), known as the Tyonek subdistrict).



Alaska Department of Fish and Game
Division of Subsistence and Boards

December 2016

Fairbanks Nonsubsistence Area



The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC 92.450(20) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC 92.450(20) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpastor River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25) (C), the Preacher and Beaver Creek drainages.



- Legend**
- Nonsubsistence Area Boundary
 - GMU Boundary
 - Roads



Proposal 207 was received by the proposal deadline but inadvertently excluded from the Board of Game proposal book for consideration at the March 2024 regulatory meeting.

PROPOSAL 207

5 AAC 92.990(30). Definitions

Repeal the age criteria for full-curl horn rams for Dall sheep hunts in Interior and Eastern Arctic Region Units as follows:

The proposed regulatory change would repeal the age criteria for a full-curl horn of a male (ram) Dall sheep as follows:

- (A) the tip of at least one horn has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or
- (B) both horn tips are broken; broken means the lamb tip is completely absent; horn tips that are chipped or cracked are not broken if any portion of the lamb tip is present; characteristics of the lamb tip include:
 - (i) a length of less than four inches,
 - (ii) the inside surface of the lamb tip is distinctly concave when compared to the remainder of the horn, and
 - (iii) the lamb tip is the section of a horn that is grown during the first six months of a sheep's life and is the section of horn distal of the first annulus, which is the swelling of the horn that forms during the first winter of life.
- (C) [THE SHEEP IS AT LEAST EIGHT YEARS OF AGE AS DETERMINED BY HORN GROWTH ANNULI.]

What is the issue you would like the board to address and why? Statewide Dall sheep populations are far below historical carrying capacities. Rain on snow events, teamed with a late spring in 2012/13, as well as similar conditions in subsequent winters, have decimated multiple cohorts of Dall sheep statewide.

Many ram groups do not have full-curl, or both horns broken. Dall sheep hunters that do not see these rams then rely on aging a sheep in the field at a distance. This method can easily lead to miscounting the annuli and result in the take of sublegal, young rams. This loss of the very few young recruiting breeding rams is of critical concern to the sustainability of the Dall sheep population's recovery.

Most hunters and even professional biologists can mistakenly miscount annuli rings on 3/4 and 7/8 curl rams on the mountainside. Many hunters cannot age the sheep when in hand, which can be documented with the high numbers of young rams being seized by the department at sealing.

Very few rams will not eventually become legal under the full curl definition by either achieving a full curl, or by breaking off both horn tips if left to mature, so having the aging option is

unnecessary and detrimental. At this time few rams are even becoming legal under the full curl definition due to hunting or environmental related mortality prior to maturity being reached.

This issue needs to be addressed Statewide, and an Agenda Change Request was submitted for the Board to do so. This proposal is being submitted if the Board decides to not take up that request during this cycle.

PROPOSED BY: Western Interior Regional Advisory Council (HQ-F23-027)

Note: Proposal 208 was accepted by the Board of Game as an Agenda Change Request for consideration at the Interior and Eastern Arctic Region meeting scheduled for March 2024.

Proposal 208

5 AAC 85.045. Seasons and bag limits for moose.

Lengthen the moose hunting season in Unit 19E by five days; allow proxy hunting, and eliminate the restriction of one permit per household as follows:

In the Unit 19E RM682 moose hunt –

- Allow proxy hunting,
- delete the “1 permit per household” condition (preferably with the ability to re-apply this condition if needed, e.g., due to drastic decline in moose or unforeseen regulation abuse),
- and add 5 days to the hunt to become Sept. 1-10.

What is the issue you would like the board to address and why? The Stony Holitna AC submitted an agenda change request with the following information:

The Department of Fish and Game, Division of Wildlife Conservation did a GSPE moose survey in March, 2022, showing a positive increase in the Unit 19E moose herd since 2020, especially in the Bear Control Focus Area (BCFA), where moose density went from 2.0 to 2.9 moose/sq. mile, and harvestable surplus went from 42 to 62. The Stony Holitna AC (SHAC) was unable to meet to get a proposal for condition changes in RM682 in time for the May 1 deadline. The Interior cycle doesn't come up until 2027, and these conditions offer increased hunting opportunity, which would be lost those three years.

The recent 2022 regulation change that allows proxy hunting won't go into effect in Unit 19E. There would be the loss of hunting opportunity for all hunters, as well as meat availability for the elderly and handicapped.

There was no regulation error – but there was a regulation change that allows proxy hunting for this type of hunt.

The increase in moose population was unknown. The regulation change in proxy hunting was unforeseen. Proxy hunting, more than one permit per household, along with a 5-day hunt extension, will offer increased hunting opportunity.

There is no threat to IM objectives with the modest permit numbers being issued. This hunt was created as an Experimental Hunt, and it continues to be.

The positive survey results and change in proxy hunt regulations were unforeseen and unexpected. To delay these changes in hunt conditions until the next Board of Game cycle would restrict harvest opportunity needlessly for three years.

This unforeseen increase in animals will allow more animals to be taken when the opportunity is offered.

Hunters will have to wait until the next meeting in 2027 to take advantage of the additional opportunity.

These hunt condition changes are not predominately allocative. They simply add additional opportunity to an existing hunt.

The SHAC represents the people and villages within Unit 19E and this ACR has not been considered before.

PROPOSED BY: Stony Holitna Fish & Game Advisory Committee (HQ-F23-ACR3)

Note: Proposal 210 was accepted by the Board of Game as an Agenda Change Request for consideration at the Interior and Eastern Arctic Region meeting scheduled for March 2024.

PROPOSAL 210

5 AAC 92.450. Description of game management units.

Change the subunit boundary of Units 20A and 20C to the current river channel as follows:

5 AAC 92.450(20)

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River **including Seventeen Mile Slough and Lost Slough;**

...

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River **including Seventeen Mile Slough and Lost Slough** and on the north by the north bank of the Tanana River downstream from the Nenana River;

WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?

This proposal addresses a change that has occurred in the location of the main channel of the Nenana River that effects the border of Units 20A and 20C. The proposed language clarifies that Seventeen Mile Slough and Lost Slough are channels of the Nenana River and therefore define the western boundary of 20A and the eastern boundary of 20C. Almost all of the water flowing downstream in the Nenana River enters Seventeen Mile and Lost Sloughs to their confluence with the Tanana River. This has created confusion by hunters interpreting the boundary in regulation because the Nenana River has changed its main channel course from what is shown on the map provided in the Alaska Hunting Regulations as well as USGS topographical maps. This boundary clarification will allow hunters to easily determine the subunit boundaries as the main channel of the Nenana River will match correctly with what is printed in the Alaska Hunting Regulations as well as label names on USGS maps. The existing discrepancy has created confusion for hunters and made it difficult for enforcement.

The intent of the regulation is that the Nenana River is the border between Game Management Units 20A and 20C. The main channel of the river has moved since the existing boundary was adopted by the board and since the maps were labeled. As a result, the USGS map and the map in the Alaska Hunting Regulations the boundary where the Nenana River no longer exists. Correcting this issue would increase opportunity for both moose and grizzly bear hunters, as well as making the hunt regulations more clear for the public and enforcement.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F23-ACR7)

Note: Proposal 211 was accepted by the Board of Game as an Agenda Change Request for consideration at the Interior and Eastern Arctic Region meeting scheduled for March 2024.

PROPOSAL 211

5 AAC 85.040. Hunting seasons and bag limits for goats.

5 AAC 92.050. Required permit hunt conditions and procedures.

Change the hunt area boundary for Unit 1A goat hunt RG002 and accompanying permit issuance requirements – as follows:

5 AAC 85.040(a)(1)

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
-----------------------------	---	------------------------------------

Remainder of Unit 1(A)
and Remainder of Unit 1(B)

RESIDENT HUNTERS:

2 goats by registration permit only; the taking of nannies with kids is prohibited

Aug. 1 – Dec. 31

NONRESIDENT HUNTERS:

1 goat by registration permit only; the taking of nannies with kids is prohibited

Aug. 1 – Dec. 31

5 AAC 92.050(a)(4)

(K) a second mountain goat registration permit for the Remainder of Unit 1(A) **and Remainder of Unit 1(B)** may only be issued if the goat harvested with the first registration permit was a billy harvested in the Remainder of Units 1(A) **or Remainder of Unit 1(B)**; for those hunters who harvested their first goat in the Remainder of Unit 1(A) **or Remainder of Unit 1(B)** with a registration permit, the pursuit of a second goat cannot occur in the trend count area of the original harvest; resident hunters looking to pursue a second goat in the Remainder of Unit 1(A) **or Remainder of Unit 1(B)** with a registration permit may receive a second registration permit after presenting the harvest record or sealing documents from their first harvest to the ADF&G office in Ketchikan.

WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?

During the 2023 Southeast Region Board of Game meeting in Ketchikan, the Board adopted Proposal 43. The proposal allowed for a second goat to be harvested by resident hunters in a portion of Unit 1A. The proposer intended for the proposal to apply to the entire RG001 hunt area, however as written the proposal only applied to Unit 1A. The board did not amend the proposal,

and the new hunt opportunity was implemented in a way that has caused confusion. Changing the boundary of the new two-goat bag limit hunt, RG002, to align with the existing RG001 hunt area will reduce confusion for hunters.

If the board does not address the boundary issue, prospective resident goat hunters will continue struggling to understand which permit is necessary for the area they desire to hunt. Resident hunters who may be hunting near the border of the existing hunts must carry two permits and ensure they are complying with the correct permit conditions depending on which side of the mountain they harvest a goat from. Resident hunters hunting their second goat with an RG002 permit must be extremely careful to harvest their second goat from the RG002 side of the ridge.

The level of confusion caused by the regulations as adopted in 2023 was unexpected and the department has no conservation concerns with expanding the two-goat bag limit hunt area to include the small portion of Unit 1B directly north of the existing RG002 hunt area.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-ACR8)

5 AAC 96.625. JOINT BOARD PETITION POLICY

(effective September 19, 2019)

(a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190--44.62.210, which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. Annually, the boards solicit regulation changes through regulatory proposals described in 5 AAC 96.610(a). Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees, and to other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices and on the boards support section's website. When the proposal books are available, the advisory committees and hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee reports before voting in public session on the proposed changes.

(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions received under (a) of this section can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. It is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency under AS 44.62.250(a). In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. Except for petitions dealing with subsistence hunting or subsistence fishing, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or 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. Petitions dealing with subsistence hunting or subsistence fishing will be evaluated under these criteria:

- (1) the petition must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under AS 16.05.258; or
- (2) the circumstances of the petition otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority.

(Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126; am 2/23/2014, Register 209; am 9/19/2019, Register 231)

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

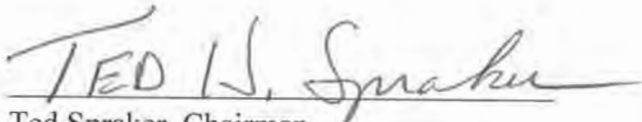
ALASKA JOINT BOARDS OF FISHERIES AND GAME

CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSAL

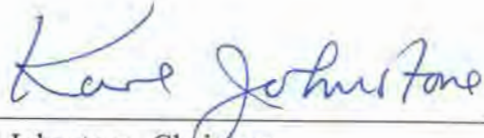
It has been suggested that criteria need to be established to guide the Alaska Joint Boards of Fisheries and Game, Board of Fisheries, and Board of Game (boards) members when deliberating on whether or not to develop a board-generated proposal. The boards will consider the following criteria when deliberating the proposed development and scheduling of a board-generated proposal:

1. Is it in the public's best interest (e.g., access to resource, consistent intent, public process)?
2. Is there urgency in considering the issue (e.g., potential for fish and wildlife objectives not being met or sustainability in question)?
3. Are current processes insufficient to bring the subject to the board's attention (e.g., reconsideration policy, normal cycle proposal submittal, ACRs, petitions)?
4. Will there be reasonable and adequate opportunity for public comment (e.g., how far do affected users have to travel to participate, amount of time for affected users to respond)?

Findings adopted this 16th day of October 2013.



Ted Spraker, Chairman
Alaska Board of Game
Vote: 6-0



Karl Johnstone, Chairman
Alaska Board of Fisheries
Vote: 7-0

**Findings of the Alaska Board of Game
2023-228-BOG
BOARD OF GAME WOLF MANAGEMENT POLICY
(Policy duration: Date of finding through July 2028
This policy supersedes BOG policy #2016-215-BOG))**

Background and Purpose

Alaskans are proud that wolves occur throughout their historic range in Alaska. Wolves are important to people for a variety of reasons, including as furbearers, big game animals, competitors for ungulate prey animals, for customary and traditional uses for Alaskans, and as subjects of enjoyment, curiosity, and study. Wolves are important components in the natural functioning of northern ecosystems. Over time, many people have come to appreciate wolves as exciting large carnivores that contribute significantly to the quality and enjoyment of life in Alaska.

The primary purpose of this policy is to provide guidance to the public, the Department, and the Board of Game on wolf management issues as the Board and the Department implement constitutional and statutory direction and respond to public demands and expectations. The Board recognizes the need for ongoing responsible wolf management to maintain sustainable wolf populations and harvests, and to help maintain sustainable ungulate populations upon which wolves are largely dependent. The Board also recognizes that when conflicts arise between humans and wolves over the use of prey, wolf populations may have to be managed more intensively to minimize such conflicts and comply with existing statutes (e.g. AS 16.05.255). Under some conditions, it may be necessary to greatly reduce wolf numbers to aid recovery of low prey populations or to arrest undesirable reductions in prey populations. In some other areas, including national park lands, the Board also recognizes that non-consumptive uses of wolves may be considered a priority use. With proper management, non-consumptive and consumptive uses are in most cases compatible but the Board may occasionally have to restrict consumptive uses where conflicts among uses are frequent.

Wolf/Human Use Conflicts

Conflicts may exist between wolves and humans when priority human uses of prey animals cannot be reasonably satisfied. In such situations, wolf population control will be considered. Specific circumstances where conflicts arise include the following:

1. Prey populations or recruitment of calves into populations are not sufficient to support existing levels of existing wolf predation and human harvest;
2. Prey populations are declining because of predation by wolves or predation by wolves in combination with other predators;
3. Prey population objectives are not being attained; and
4. Human harvest objectives are not being attained.

Wolf Management and Wolf Control

The Board and the Department have always distinguished between wolf management and wolf control. Wolf management involves managing seasons and bag limits to provide for general public hunting and trapping opportunities. These seasons provide for both subsistence and other traditional economic harvest opportunities and, as a side benefit, allow for participants to directly aid in mitigating conflicts between wolves and humans or improving ungulate harvest levels. In most cases trapping seasons will

be kept to times when wolf hides are prime. However, some hunters are satisfied to take wolves during off-prime months including August, September, April, and May. Opportunity may be allowed for such harvest.

Wolf control is the planned, systematic regulation of wolf numbers to achieve a temporarily lowered population level using aerial shooting, hiring trappers, denning, helicopter support, or other methods which may not normally be allowed in conventional public hunting and trapping. The purpose of wolf control is not to eradicate wolf populations. Under no circumstances will wolf populations be eliminated or reduced to a level where they will not be able to recover when control efforts are terminated, and wolves will always be managed to provide for sustained yield.

In some circumstances it may be necessary to temporarily remove a high percentage (>70%) of wolf populations to allow recovery of prey populations. In other situations, it may be necessary to temporarily remove a smaller percentage of wolf populations (40-70%) to allow prey populations to increase or meet human harvest objectives. Once prey population objectives have been met, wolf populations will generally be allowed to increase to or above pre-control levels.

During the 1997 review of predator control in Alaska by the National Research Council of the National Academy of Sciences (National Research Council 1997), only two clearly successful cases were found where increased harvests of ungulates resulted from control in the Yukon and Alaska. In the last 13 years since that review, several other programs have been successful, including programs in GMUs 9, 13, 16 and 19. In addition, there is now a thirty-year history of intensive wolf and moose management and research, including 2 periods of wolf control in GMU 20A. It is clear, and well documented, that periodic wolf control has resulted in much higher harvests of moose than could be realized without control (Boertje et al., 2009). Biologists now have considerable experience successfully managing moose at relatively high density (Boertje et al., 2007). The GMU 20A case history has provided a great deal of information on what biologists can expect from intensive management programs and these programs are scientifically well founded. However, GMUs are different ecologically and new information on which areas are best suited to intensive management programs will continue to be gathered.

Decisions by the Board to Undertake Wolf Control

Generally, there are two situations under which the Board will consider undertaking wolf control (implementing extraordinary measures outside normal hunting and trapping). In rare cases, control may be implemented where sustained yield harvests of ungulates cannot be maintained or where extirpation of ungulate populations may be expected. More commonly, the Board may implement wolf control to comply with Alaska Statutes (AS 16.05.255) where ungulate populations are declared “depleted” or where ungulate harvests must be significantly reduced, and these populations have been found by the Board to be important for “high levels of human harvest”. In most cases when wolf control is implemented, the Board will favor and promote an effective control effort by the public. Experience has shown that often a joint effort by the public and the Department has been most effective. However, the Board recognizes that there are areas and situations where the public cannot effectively or efficiently control predation and that the Department may, under its own authority and responsibilities, conduct the necessary wolf population control activities. Such situations arise in part because public effort to take wolves tends to diminish before an adequate level of population control is achieved. In areas where wolf reduction is being conducted, ungulate and wolf surveys should be conducted as frequently as necessary

to ensure that adequate data are available to make management decisions and to ensure that wolf numbers remain sufficient to maintain long-term sustained yield harvests.

Methods the Board Will Consider When Implementing Wolf Control Programs

- 1) Expanding public hunting and trapping into seasons when wolf hides are not prime.
- 2) Use of baiting for hunting wolves.
- 3) Allowing same-day-airborne hunting of wolves when 300 ft from aircraft.
- 4) Allowing land-and-shoot by the public.
- 5) Allowing aerial shooting by the public.
- 6) Allowing use of Department staff and helicopters for aerial shooting.
- 7) Encouraging the Department to hire or contract with wolf trappers and other agents who may use one or more of the methods listed here.
- 8) Allowing denning by Department staff and use of gas for euthanasia of sub-adults in dens.

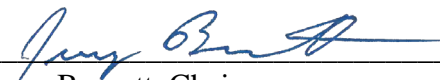
Terminating Wolf Control

Depending on the response to wolf control and ungulate population and harvest objectives, control may either be of short or long duration. In some cases, control may last less than five years. In other cases it may be an ongoing effort lasting many years. As ungulate harvest objectives are met, the Board will transition from a wolf control program to a wolf management program, relying to a greater extent on public hunting and trapping. In cases where ungulates respond very well and hunting is ineffective at controlling ungulate numbers for practical reasons, it may be necessary for the Board to restrict the taking of predators.

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Vote: 7-0
January 19, 2023
Ketchikan, Alaska



Jerry Burnett, Chairman
Board of Game

Findings of the Alaska Board of Game
2023-227-BOG
BOARD OF GAME BEAR CONSERVATION, HARVEST,
AND MANAGEMENT POLICY
(Expiration Date: July, 2028
This policy supersedes BOG Policy #2016-214-BOG)

Purposes of Policy

1. To clarify the intent of the Board and provide guidelines for Board members and the Department of Fish and Game (Department) to consider when developing regulation proposals for the conservation and harvest of bears in Alaska, consistent with the Alaska Constitution and applicable statutes.
2. To encourage review, comment, and interagency coordination for bear management activities.

Goals

1. To ensure the conservation of bears throughout their historic range in Alaska.
2. To recognize the ecological and economic importance of bears while providing for their management as a harvestable opportunity, food, predatory, and furbearer species.
3. To recognize the importance of bears for customary and traditional uses, viewing, photography, research, and non-consumptive uses in Alaska.

Background

The wild character of Alaska's landscapes is one of our most important natural resources and the presence of naturally abundant populations of brown/grizzly bears (*Ursus arctos*) and black bears (*Ursus americanus*) throughout their historic range in Alaska is important to that wild character. Bears are important to Alaskans in many ways, including as food animals, predators of moose, caribou, deer and muskox, a unique species opportunity for nonresident and resident hunters, furbearers, , and as objects of curiosity, study, awe, and enjoyment. Bears are also important components of naturally functioning Alaskan ecosystems.

Bear viewing is a rapidly growing industry in selected areas of the state. The interest exceeds the opportunities provided now by such established and controlled sites as McNeil River, Pack Creek, Anan Creek, Wolverine Creek and Brooks Camp. In most areas, hunting and viewing are compatible uses but the Board may consider bear viewing as a priority use in some small areas, especially where access for people is good and bears are particularly concentrated. The Board, the Department , and the Alaska Wildlife Troopers will continue to discourage people from feeding bears to provide viewing and will continue to enforce laws against persons who feed bears illegally.

Bears are frequently attracted to garbage or to fish and hunting camps and can be a nuisance where they become habituated to humans and human food sources. Dealing with problem bears has been especially difficult in Anchorage, Juneau, and the Kenai Peninsula. The Department has worked hard, and successfully, with municipalities to educate people and solve waste

management problems. The Department 's policy on human food and solid waste management (<http://www.wc.adfg.state.ak.us/index.cfm?adfg=bears.bearpolicy>) provides guidance on reducing threats to humans and the resulting need to kill problem bears.

Bears can pose a threat to humans in certain situations. The Department has the regulatory authority to address human/bear conflicts and has developed a detailed approach to investigating incidents involving bears and humans. In addition, the Department has developed a detailed wildlife safety curriculum for use internally and by the public, with considerable focus on bears. The Department and the Board will continue to educate people about ways to minimize threats to humans and the resulting need to remove problem bears.

Alaska is world-renowned as a place to hunt brown bears, grizzly bears and black bears. Alaska is the only place in the United States where brown and grizzly bears are hunted in large numbers. The brown bear harvest has remained stable over the last 10 years, despite more liberal regulations governing take. Many of the hunters are nonresidents and their economic impact is significant to Alaska. Hunters have traditionally been the strongest advocates for bears and their habitat, providing consistent financial and political support for research and management programs.

Because bears can be both prey and predator, their relationship with people is complex. Throughout much of Interior Alaska and in some areas of Southcentral Alaska, the combined predation by bears and wolves keeps moose at relatively low levels. Bear predation on young calves has been shown to contribute significantly to keeping moose populations depressed, delayed population recovery, and low harvest by humans. People in parts of rural Alaska (e.g., Yukon Flats) have expressed considerable frustration with low moose numbers and high predation rates on moose calves in hunting areas around villages. The Board and the Department take an active role in addressing bear management issues. Because the Constitution of the State of Alaska requires all wildlife (including predators) to be managed on a sustained yield basis, the Board of Game and the Department will manage all bear populations to maintain a sustained yield, and the Board recognizes its broad latitude to manage predators including bears to provide for higher yields of ungulates (*West vs State of Alaska*, Alaska Supreme Court, 6 August 2010).

Brown and grizzly bears

Although there is no clear taxonomic difference between brown and grizzly bears, there are ecological and economic differences that are recognized by the Board and Department . In the area south of a line following the crest of the Alaska Range from the Canadian border westward to the 62nd parallel of latitude to the Bering Sea, where salmon are important in the diet of *Ursus arctos*, these bears are commonly referred to as brown bears. Brown bears grow relatively large, tend to be less predatory on ungulates, usually occur at high densities, and are highly sought after by hunters for the unique hunting opportunity generally only found in Alaska and for viewing and photography. Bears found north of this line in Interior and Arctic Alaska; where densities are lower and which are usually smaller in size, more predatory on ungulates, and have fewer opportunities to feed on salmon; are referred to as grizzly bears. Brown and grizzly bears are found throughout their historic range in Alaska and may have expanded their recent historic range in the last few decades into places like the Yukon Flats and lower Koyukuk River.

Although determining precise population size is not possible with techniques currently available, most bear populations are estimated to be stable or increasing based on aerial counts, Capture-

Mark-Resight techniques (including DNA), harvest data, traditional knowledge, and evidence of expansion of historic ranges. Throughout most coastal habitats where salmon are abundant, brown bears are abundant and typically exceed 175 bears/1,000 km² (450 bears/1,000 mi²). A population in Katmai National Park on the Alaska Peninsula was measured at 550 bears/1,000 km² (1,420 bears/1,000 mi²). In most interior and northern coastal areas, densities do not exceed 40 bears/1,000 km² (100 bears/1,000 mi²). Mean densities as low as 4 grizzly bears/1,000 km² (12 bears/1,000 mi²) have been measured in the eastern Brooks Range but these density estimates may be biased low and the confidence intervals around the estimates are unknown. Extrapolations from existing density estimates yielded statewide estimate of 31,700 brown bears in 1993, but the estimate is likely to be low.

Although some northern grizzly bear populations have relatively low reproductive rates, most grizzly bear and brown bear populations are capable of sustaining relatively high harvest rates comparable to moose, caribou, sheep, goats, and other big game animals that exist in the presence of natural numbers of large predators in most areas of Alaska. In addition, grizzly bears and brown bears have shown their ability to recover relatively quickly (<15 years) from federal poisoning campaigns during the 1950s and overharvest on the Alaska Peninsula during the 1960s. Biologists were previously concerned about the conservation of brown bears on the Kenai Peninsula and brown bears there were listed by the state as a “species of special concern”. The Department implemented a conservation strategy there through a stakeholder process. In recent years it has become apparent that brown bears remain healthy on the Kenai and the Board, and the Department no longer believes there is a conservation concern.

In some areas of the state (e.g., Unit 13) where the Board has tried to reduce grizzly bear numbers with liberal seasons and bag limits for over 15 years, there is no evidence that current increased harvests have affected bear numbers, age structure, or population composition. In areas of Interior Alaska, where access is relatively poor, long conventional hunting seasons and bag limits of up to 2 bears per year have not been effective at reducing numbers of grizzly bears. In these areas, most biologists believe that as long as sows and cubs are protected from harvest it will not be possible to reduce populations enough to achieve increases in recruitment of moose.

Black bears

American black bears (*Ursus americanus*) are generally found in forested habitats throughout the state. Like brown and grizzly bears, black bears also occupy all of their historic ranges in Alaska and are frequently sympatric with grizzly and brown bears. Because they live in forested habitats it is difficult to estimate population size or density. Where estimates have been conducted in interior Alaska, densities ranged from 67 bears/1,000 km² (175 bears/1,000 mi²) on the Yukon Flats to 289 bears/1,000 km² (750 bears/1,000 mi²) on the Kenai Peninsula. In coastal forest habitats of Southeast Alaska’s Alexander Archipelago, black bear densities are considered high. A 2000 estimate for Kuiu Island was 1,560 black bears/1,000 km² (4,000 black bears/1,000 mi²).

In most areas of the state, black bears are viewed primarily as food animals, but they are also sought after for their fur/hides, and as predators of moose calves. The Board classified black bears as furbearers, recognizing the desire of people to use black bear fur as trim on clothing, to enhance the value of black bears, and to enable the Board and the Department to use foot-snares in bear management programs. The classification of black bears as a furbearer has legalized the sale of some black bear hides and parts (except gall bladders) and has thus made regulations in Alaska similar to those in northern Canada in this regard.

Black bears exhibit higher reproductive rates than brown and grizzly bears. In all areas of the state black bear populations are healthy and can sustain current or increased harvest levels. However, hunting pressure on black bears in some coastal areas like Game Management Unit (GMU) 6 (Prince William Sound), GMU 2 (Prince of Wales Island) and parts of GMU 3 (Kuiu Island) may be approaching or have exceeded maximum desired levels if mature bears are to be preserved and are the subjects of frequent regulatory adjustments.

In some other parts of the state, deliberately reducing black bear numbers to improve moose calf survival has proven to be difficult or impossible with conventional harvest programs. The Board has had to resort to more innovative regulations promoting baiting and trapping with foot snares. The Department has also tried an experimental solution of translocating bears away from an important moose population near McGrath (GMU 19D) to determine if reduced bear numbers could result in significant increases in moose numbers and harvests. The success of the McGrath program has made it a potential model for other small areas around villages in Interior Alaska, if acceptable relocation sites are available.

Guiding Principles

The Board of Game and the Department will promote regulations and policies that will strive to:

1. Manage bear populations to provide for continuing sustained yield, while allowing a wide range of human uses in all areas of the state.
2. Ensure subsistence uses of bears are provided in accordance with state law.
3. Ensure public safety near population centers.
4. Continue and, if appropriate, increase research on the management of bears and on predator/prey relationships and methods to mitigate the high predation rates of bears on moose calves in areas designated for intensive management.
5. Continue to provide for and encourage non-consumptive use of bears without causing bears to become habituated to human food.
6. Favor conventional hunting seasons and bag limits to manage bear numbers.
7. Encourage the human use of bear meat as food.
8. Employ more efficient harvest strategies, if necessary, when bear populations need to be substantially reduced to mitigate conflicts between bears and people.
9. Work with the Department to develop innovative ways of increasing bear harvests if conventional hunting seasons and bag limits are not effective at reducing bear numbers to mitigate predation on ungulates or to deal with problem bears.
10. Simplify hunting regulations for bears and increase opportunity for incidental harvest of grizzly bears in Interior Alaska by eliminating resident tag fees.
11. Recognize the increasing value of mature brown bears, especially in Units 1-6 and 8-10, and generate increased revenue from sales of brown bear tags.
12. Review and recommend revision to this policy as needed.

Conservation and Management Policy

The Board and the Department will manage bears differently in different areas of the state, in accordance with ecological differences and the needs and desires of humans. Bears will always be managed on a sustained yield basis. In all non-subsistence areas, the priority is to ensure continued subsistence uses of bears in accordance with state law. In some areas, such as the Kodiak Archipelago, portions of Southeast Alaska and the Alaska Peninsula, brown bears will generally be managed for mature adult bears for hunting, and for viewing opportunities. In Southeast Alaska and Prince William Sound, black bears will generally be managed as for sustainable populations for harvest, food animals, and viewing opportunities. In Interior and Arctic Alaska, black bears and grizzly bears will be managed primarily for sustainable populations, food animals, and predators of moose and caribou. Near population centers bears will be managed to ensure for public safety. In some parts of Interior Alaska, the Board may elect to manage populations of black bears primarily as furbearers.

Monitoring Harvest and Population Size

The Board and the Department recognize the importance of monitoring the size and health of bear populations on all lands in Alaska to determine if bear population management and conservation goals are being met. In areas where monitoring bear numbers, population composition, and age class is a high priority, sealing of all bear hides and skulls will be required. At the present time, all brown and grizzly bears harvested under the general, drawing, or registration hunting regulations must be inspected and sealed by a Department representative. Where monitoring bear numbers and harvests is a lower priority, harvest may be monitored using harvest tickets or subsistence harvest surveys.

Harvest of black bears will generally be monitored either with harvest tickets or sealing requirements. Where harvests are near maximum sustainable levels or where the Department and the Board need detailed harvest data, sealing will be required.

Large areas of the state have subsistence brown/grizzly bear hunts with liberal seasons and bag limits, mandatory meat salvage, and relaxed sealing requirements. The Department will continue to provide for subsistence needs.

Bear viewing also is an important aspect of bear management in Alaska. Increasing interest in watching bears at concentrated feeding areas such as salmon streams and sedge flats, and clam flats is challenging managers to find appropriate levels and types of human and bear interactions without jeopardizing human safety. Bear hunting and viewing are compatible in most situations.

Nothing in this policy affects the authority under state or federal laws for an individual to protect human life or property from bears (5 AAC 92.410). All reasonable steps must be taken to protect life and property by non-lethal means before a bear is killed.

Managing Predation by Bears

In order to comply with the AS 16.05.255, the Board and Department may implement management actions to reduce bear predation on ungulate populations. The Board may promulgate regulations that allow the Department to temporarily reduce bear populations in Game Management Units, Subunits, or management areas. The Board and the Department may

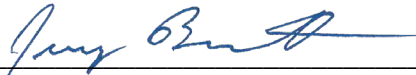
also need to reduce bear predation on ungulates to provide for continued sustained yield management or conservation of ungulates. In addition, it may be necessary for the Department to kill problem bears to protect the safety of the public under AS 16.05.050 (a) (5). In some cases, the Board may direct the Department to prepare a Predation Control Areas Implementation Plan (5 AAC 92.125 or 92.126) or in other cases the Board may authorize extensions of conventional hunting seasons or implement trapping seasons to aid in managing predation on ungulates.

To comply with AS 16.05.255 to maintain sustained yield management of wildlife populations, or to prevent populations of ungulates from declining to low levels, the Board may selectively consider changes to regulations allowing the public to take bears, including allowing the following:

- Baiting of bears
- Trapping, using foot-snares, for bears under bear management or predator control programs.
- Incidental takes of brown or grizzly bears during black bear management or predator control programs.
- Use of communications equipment between hunters or trappers.
- Sale of hides and skulls as incentives for taking bears.
- Diversionary feeding of bears during ungulate calving seasons.
- Use of black bears for handicraft items for sale, except gall bladders.
- Use of grizzly bears for handicraft items for sale, except gall bladders.
- Taking of sows accompanied by cubs and cubs.
- Same-day-airborne taking.
- Aerial shooting of bears by Department staff
- Suspension or repeal of bear tag fees.
- Use of helicopters.

The Board intends that with the exception of baiting, the above-listed methods and means will be authorized primarily in situations that require active control of bear populations, and only for the minimum amount of time necessary to accomplish management objectives. The Board allows baiting of black bears as a normal method of take in broad areas of the state and will consider allowing brown bear baiting as a normal method of take in select areas.

Vote: 7-0
January 19, 2023
Ketchikan, Alaska



Jerry Burnett, Chairman
Board of Game

Findings for the Alaska Board of Game

2020-227-BOG

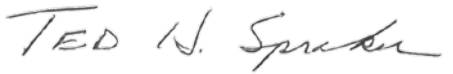
**Board Recommendation to the Department of Fish and Game
Provided during the Interior and Eastern Arctic Region Regulations Meeting**

The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and other wildlife users:

The Board recommended the Department take the following actions:

1. Registration permits for the moose hunt in February in Unit 19D will be available in the hunt area only for the months of January and February.

Vote: 7-0
March 14, 2020
Fairbanks, AK



Ted Spraker, Chairman
Alaska Board of Game

Findings for the Alaska Board of Game

2019-225-BOG

**Board Recommendation to the Department of Fish and Game on
Subsistence Moose Hunting in Unit 19A Remainder Provided during the
Southcentral Region Regulations Meeting**

The Board of Game finds as follows, based on information provided by Department staff, Advisory Committees, Alaska residents and other wildlife users:

The Board recommended the department take the following actions:

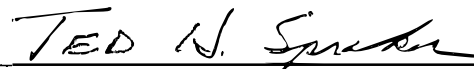
1. Registration permits for moose in the remainder of Unit 19A will be available in person in communities in the hunt area only, during the month of July, and only one permit is allowed per household.
2. A person holding a permit for this hunt may not hold another moose permit in the Kuskokwim River drainage for that regulatory year.
3. 30 permits will be issued the first year. Up to 75 permits may be issued in subsequent years at the department's discretion. In exercising this discretion, the department should consider the harvestable portion of the moose population, the success of hunters in harvesting moose under these permits, and the potential for overhunting that could result in a population decline.
4. If the 2-year average bull:cow ratio decreases below 35:100 the hunt will close until a 2-year average bull:cow ratio is at least 35:100 within the hunt area.
5. If the harvestable portion of the population decreases below the lower range of the amount reasonably necessary for subsistence for 19A, the hunt will close until the harvestable portion reaches the minimum ANS for 19A.
6. No proxy hunting will be permitted for this hunt.

Vote: 5-0-2

(Members Hoffman and Burnett Absent)

March 20, 2019

Anchorage, Alaska



Ted Spraker, Chairman

Alaska Board of Game

Findings of the Alaska Board of Game
2017-222-BOG
Alaska Board of Game Nonresident Hunter Allocation Policy
(This policy supersedes BOG policy #2007-173-BOG)

In consideration that Article 8 of the Alaska Constitution states that:

§ 2. General Authority — The legislature shall provide for the utilization, development, and conservation of all-natural resources belonging to the state, including land and waters, for the maximum benefit of the people.

§ 3. Common Use — Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

§ 4. Sustained Yield — Fish, forests, wildlife, grasslands, and all other replenishable resources belong to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

And, Alaska Statute 16.05.020 states that one of the primary functions of the commissioner of the Department of Fish and Game is to:

(2) manage, protect, maintain, improve, and extend the fish, game, and aquatic plant resources of the state in the interest of the economy and general well-being of the state.

And further, that; AS16.05.255 directs that the Board of Game, among other duties, may adopt regulations for:

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, and utilization of game.

(13) promoting hunting and trapping and preserving the heritage of hunting and trapping in the state.

The Alaska Board of Game establishes this document as a general statement of its views related to nonresident hunter participation in the State of Alaska.

The Alaska Board of Game finds that:

1. Carefully controlled hunting and trapping have been used since statehood to assure that Alaska's wildlife populations are healthy and sustainably managed. Alaska's wildlife populations are minimally impacted by the hunting pressure experienced today, and most hunted populations are either stable or growing. There are few remaining opportunities in North America where a hunter can experience both the quality of largely uninhabited and undeveloped environment, minimal private land ownership boundaries, or the type of hunting opportunities that Alaska has to offer. Alaska is the

only place in the United States where coastal brown bears, caribou and Dall sheep can be hunted, for instance, and there has been great demand for hunting opportunities of these species by U.S. and foreign citizens for many generations.

2. Alaska is one of the last remaining places in the United States where there are large segments of public lands open for general season hunting opportunities. The State of Alaska maintains authority for wildlife management across multiple land ownership designations yet the board recognizes that approximately 60% of the state remains in Federal ownership and is managed for the benefit of all U.S. citizens equally. In recognition of our state's constitutional mandate to manage the state's wildlife for the "common use" and "maximum benefit" of the people, the board has maintained a resident priority for hunting opportunities through management actions such as longer seasons, less restrictive antler requirements, resident tag fee exemptions, and lower licensing fees. The board has also maintained general season opportunity to the greatest degree possible for the benefit of all hunters, resident and visitor alike.
3. Under the Common Use Clause of the Alaska Constitution, access to natural resources by any person's preferred method or means is not guaranteed, and protecting public access to those resources requires an adaptive and informed balancing of demands and needs consistent with the public interest. As such, the state has considerable latitude to responsibly, equitably, and sustainably establish priorities among competing uses for the maximum benefit of the public.
4. From region to region, Alaska often has differing patterns of use, values, and traditions related to the harvest of game. Some areas welcome nonlocal hunters more readily than others, and other areas have little concern regarding who else is hunting the area, so long as local needs are met. The board has recognized that there is no single simple allocation formula that adequately covers the needs, desires, and historical use patterns of the diverse regions of our state.
5. Nonresident hunters have played a crucial and often undervalued role in support of Alaska's wildlife conservation efforts since Territorial times. Early in the last century, nonresident hunters partnered with Alaskan sportsmen to advocate for the conservation of brown bear and grizzly populations, perhaps most notably on Kodiak Island, which reversed territorial, and later state policy that was at one point directed toward the complete elimination of some segments of these populations by any means available. Nonresident hunting groups and resident hunters successfully advocated for the creation of McKinley National Park to address market hunting depletions of Dall sheep populations in that region, and later played an important role in advocating that National Park Preserves and National Wildlife Refuges in Alaska would not only allow for hunting, in the Alaska National Interest Lands Conservation Act, but that hunting and fishing would be recognized in law as priority uses under the National Wildlife Refuge System Improvement Act of 1997. These cooperative actions substantially protected continued hunting opportunities across large areas of federally managed lands in Alaska. More recently, nonresident hunters have contributed meaningfully in the

effort to prevent disease introduction in Alaska, and continue to be knowledgeable allies in safeguarding both our resources and our access to these resources in the face of external pressures.

6. Nonresident hunters typically harvest wildlife at low levels across the state, with few known exceptions. While most big game animal populations are typically harvested at a rate of less than 10 percent by nonresidents, there are some areas where it can be higher (e.g. nonresident sheep harvests averages between 35 and 40% annually and brown/grizzly bear harvests typically exceed resident harvest in much of the state.
 - The board recognizes that, in recent years, there has been a renewed effort to restrict or eliminate nonresident hunter opportunity, especially in relation to Dall sheep harvest. The board conducted an extensive survey of sheep hunter perceptions and experiences; requested that the Alaska Department of Fish and Game gather all known data regarding hunter participation and harvest rates statewide; and, convened a Dall sheep working group made up of Alaskan residents to discuss the known data, survey results, and issues more broadly in an open setting.
 - Nonresident hunter numbers are restrained due to many factors, such as the guide requirement for Dall sheep, mountain goat and brown bear/grizzly, a law primarily addressing hunter safety issues. This requirement also results in higher success rates due to the greater experience and area familiarity of hunting guides. Nonresident sheep hunters have also been limited by federal guide concessions, which have capped the number of guides in large portions of sheep ranges and held them to predetermined numbers on 10-year cycles. The competitive bidding nature for obtaining rights in these areas requires that guides hold to the number of clients they have proposed during their tenure, allowing for predictable participation and anticipated harvest rates.
7. Despite comparatively low participation and harvest rates for most species due to restricted opportunity, nonresident hunters provide the majority of direct funding into Alaskan wildlife management programs through relatively expensive license and big game tag fees. This level of funding has allowed for stable wildlife management and educational activities for decades. The additional benefit to wildlife management from receiving Pittman-Robertson matching funds, which come primarily from nationwide weapon purchases, cannot be overstated. The level of funding that nonresident license sales have provided for department survey and inventory programs, among other programs, has allowed the board to have increased confidence in providing for higher levels of harvest opportunities under sustained yield principles. Alaskan hunters have benefited most from these management programs through generally avoiding harvest quotas, draw permits, antler restrictions, and shortened seasons for the majority of hunt opportunities in Alaska. This enhances our ability to satisfy our legal mandate to manage, preserve and promote hunting and trapping throughout the state, while

providing the maximum benefit for all the people as Alaskans take home an estimated 90% of the big game animals harvested for their meat value in the state each year.

8. Nonresident hunters contribute substantially directly to the Alaskan economy through contracting with service providers, equipment rentals, supply purchases from local vendors, hotel and tourism related expenses, and meat processing and trophy expediting services. Visiting nonresident hunters are typically comprised of 80% of unguided hunters, 20% guided nonresident hunters, or hunters accompanied by second degree of kindred relatives.

- Unguided nonresident hunters often contract with air-taxis or transporters for transportation services to remote hunting locations and primarily focus their efforts on moose, caribou, deer, and black bear. Nonresident hunter dispersal through transportation services provides benefit to both resident hunters who find the more accessible hunting areas less crowded, and nonresident hunters who often have access to more remote areas that provide unique hunting settings or access to migratory resources. Unguided nonresident hunters often donate meat through their service providers to remote villages, especially portions of their moose and caribou, due to prohibitive transportation costs. There have been numerous complaints over the years related to donated meat quality, hunter crowding, overbooked services, and competition with local hunters related to air-taxi and transporter operations – resulting in the creation of controlled use areas to limit hunting-related aircraft use in several areas of the state and most recently both modified state and new federal controlled use areas in northwest Alaska. The board recognizes that these issues are not typically driven by lack of resource availability, but at times due to variance in wildlife migrations or weather and at other times unchecked competition for limited access points by multiple service providers. The board believes that these conflicts can be best addressed through greater oversight of transportation related services in our state rather than strictly limiting general hunting opportunity where resources are in many cases stable or abundant.
- Approximately 86% of registered or master guides in Alaska are Alaskan residents and upwards of 66% of assistant guides are Alaskan residents. Guided hunt opportunity is generally disbursed across the state on both state and federal lands, and to a lesser degree on private lands. A recent economic analysis of the economic impact of the guide industry notes that 3,242 guided nonresident hunters contributed approximately 87.2 million dollars to Alaska's economy in 2015, and supported 2,120 Alaskan jobs. A significant amount of game meat was donated by guided hunters in communities across the state during this same period, providing both economic relief and direct dietary benefit to mostly rural Alaskans. The benefit this brings to Alaskan communities is supported by testimony from across Alaska. There has been complaint regarding hunter crowding or competition for Dall sheep resources on state owned lands in several regions for a number of years and the board

has recently taken a very detailed look at these and other issues with the aid of a resident-comprised Dall sheep working group, as noted above. The board has advocated for the restoration of guide-concessions on state lands to both provide a comprehensive program to address quality of hunt issues such as these, and to assure that stewardship-based guided-hunt opportunities are provided in these areas.

- Recent data and testimony indicate that the trend of nonresident hunters accompanied by second degree kindred resident relatives for Dall sheep, brown bear, and mountain goat appear to be increasing. The board recognizes the high value of continued opportunity for Alaskans to share unique hunting opportunities with nonresident family members. The board has heard complaints that, in portions of the state, strictly limited permit opportunities for nonresident guide-required hunts have at times been taken to a large degree by second degree kindred hunters accompanied by resident relatives, an effect unanticipated when allocations were established. The board desires to address these issues in a manner that both protects the careful allocation frameworks that the board has already anticipated and determined as appropriate, and provide continued or expanded opportunity for Alaskans to maintain family centered hunting traditions with nonresident relatives where possible.

The primary goals and efforts of the Alaska Board of Game are directed toward the management of stable and healthy wildlife populations capable of producing harvestable surpluses to provide for a variety of uses and, at times, differing values of the public. While many uses of wildlife do not directly conflict with one another, such as wildlife viewing and hunting, with some notable exceptions, some consumptive uses do require thoughtful allocation decisions. Historically, the board has viewed meeting the subsistence needs of the Alaskan populace as its primary goal, as directed by state law.

Preferences have been granted by the state in the following order:


- 1) Alaskan Resident subsistence hunting - for all species with a customary or traditional use classification
- 2) Alaskan Resident general season hunting – for moose, deer, caribou, elk
 - Residents have longer seasons, more liberal bag limit and antler restrictions, and lower license and tag fees
- 3) Resident and Nonresident general season hunting – for Dall sheep, brown/grizzly bear, and mountain goat. Typically managed for trophy-related values.
 - Guide-required species for nonresidents can be a limiting (financial) factor for many nonresident hunters, in addition to license and tag fees
- 4) Nonresident Alien hunting – same as nonresident hunting
 - Guide-required for all big game species and with higher license and tag fees

The Alaska Board of Game has recognized the above inherent preferences and general practices that benefit Alaskan hunters and will continue to do so. In addition, the board will address allocation issues in the following circumstances, if season and/or method and means adjustments are deemed insufficient:

- 1) When there is suitable harvestable surplus - it is the board's policy to allow maximum opportunity for all hunters, within the bounds of sustained yield management practices, regardless of residency.
- 2) In times of non-hunting-related population decline - it will be the board's policy to restrict all non-subsistence hunting if it is predicted to contribute to the decline or have the potential to slow the recovery of these populations appreciably. Nonresident hunters will be restricted first in these circumstances, unless their portion of the overall harvest is deemed insignificant.
- 3) In times of hunting-related population decline – it will be the board's policy to identify the potential causes and address each case individually. Nonresident hunters will be restricted first in these circumstances, unless their portion of the overall harvest is deemed insignificant or the restriction of nonresident hunters does not address the primary cause of decline.
- 4) Nonresident hunting will not be authorized for any moose, caribou or deer population under a current intensive management predator control program until the minimum intensive management population or harvest objectives are met unless the board determines that such hunting will not adversely impact resident opportunity, will not adversely impact the recovery of the target population, and is determined to provide for the maximum benefit of the people of Alaska.
- 5) The board may choose to address areas of conservation, hunter overcrowding, or conflict issues by placing limitations on or between commercial service-dependent hunts, or request that the appropriate regulatory body address the service provider issue if it is beyond the board's authority. This may be accomplished by guided-only or non-guided-only permit stipulations for any species, as the board has done in several places in the past. Sustained yield will be the first test in these circumstances, then subsistence obligations, historical use patterns, and quality of hunt experience will be considered.
- 6) When a draw hunt is deemed necessary, allocation will be determined on a case by case basis and will be based upon the historical data of nonresident and resident permit, harvest or participation allocation over the past ten or more years. When a guided nonresident hunter applies for a drawing permit, proof of having a signed guide-client contract is required and contracting guides shall be registered in the area prior to the drawing. When a guide signs a guide-client contract, the guide is providing guiding services and therefore must be registered for the use area at that time.

- 7) The board has supported the reestablishment of state-managed guide concessions to address user conflicts and hunt quality issues for more than a decade. The board continues to support this avenue to address known conflict areas. It will be the board's policy to address nonresident allocations under state or federal concessions that have overlaying draw requirements in a manner that cooperates with land management efforts and goals, as deemed appropriate by the board.

Vote: 5-1-1
Adopted: November 17, 2017
Anchorage, Alaska


Ted Spraker, Chairman
Alaska Board of Game

**Alaska Board of Game
2016-213-BOG
Findings Related to Proposal 207: Restrictions on the
Use of Aircraft Associated with Sheep Hunting**

To address complaints concerning misuse of aircraft, particularly during sheep hunting season, the Board of Game drafted a proposal to limit aircraft use associated with sheep hunting, later identified as proposal 207. This proposal was deliberated on during the January 8, 2015 Work Session Meeting held in Juneau, where the Board agreed to schedule the proposal to be addressed at the February 2015, Central/SW Regional meeting in Wasilla. The Board also held an evening “town hall” style meeting in February where approximately 165 people participated in a discussion concerning the use of aircraft during sheep season.

Recognizing there was opposition from those using aircraft and support from hunters that did not use aircraft, the Board deferred the proposal to the March 2015, Southcentral Region Meeting held in Anchorage to facilitate additional public comment. Proposal 207 was approved at this meeting with six members in support and one opposed, following a lengthy public testimony process.

A special meeting was then held on April 24, 2015 for the purpose of scheduling a future meeting to rescind the action taken by the Board on proposal 207, at the request of two Board members. A special meeting was held on May 28, 2015 to discuss the merits of retaining proposal 207. The request to rescind failed; with a vote of two supporting rescinding and five supporting the proposal.

The adopted language now reads: 5 AAC 92.085. **Unlawful methods of taking big game; exceptions....(8) a person who has been airborne may not take or assist in taking a big game animal until after 3:00 a.m. following the day in which the flying occurred, and from August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season, however, aircraft other than helicopters may be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep.**

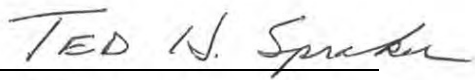
The purpose of this finding is to clarify the Board’s intent when adopting this restriction and address some of the commonly heard misinterpretations brought to Board members’ attention since the regulation became effective July 1, 2015.

Passage of proposal 207 is intended to:

1. Specifically address public complaint that the Board of Game has heard for many decades regarding the controversial practice of hunting for wildlife from aircraft.
 - Since at least the 1970’s the Board of game has heard testimony regarding how hunting from an aircraft has both disrupted the efforts of other hunters through displacement of animals and also lowered the quality of experience for other hunters who do not use aircraft as a hunting tool.


- The Board recognizes that there has been increased complaint especially during the last decade regarding perceived crowding issues and increased competition among Dall sheep hunters in their efforts, despite less hunter participation than in previous decades, and that the practice of aircraft hunting may be contributing to these problems by disturbing both hunters and sheep populations themselves.
 - Technological advances in small aircraft capability and the increasing popularity of short field performance educational videos have combined in recent decades, resulting both in increased aircraft dependent hunting methods and decreased number of areas where foot based hunters are able to go without competition from those who primarily hunt from the air and then land nearby in marginal conditions to pursue the sheep.
2. Prohibit the deliberate use of an aircraft for locating any Dall sheep for hunting purposes between August 10 and September 20. This precludes flying with the intention to generally locate Dall sheep and also making single or repeated passes to evaluate the location, type, or quality of specific animals. This prohibition is intended to apply to both the pilot and anyone that this information is communicated to during the open season, who has the intent to harvest a Dall sheep anywhere in the state.
- The prohibition is not meant to prevent the hunting of animals that were incidentally spotted while under the allowed provisions of this regulation (... **“to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep”**.) so long as the aircraft is not being used for the purpose of locating Dall sheep for hunting purposes. **“From August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season.**
 - This prohibition was not intended to prohibit the hunting of Dall sheep in the present season, or following seasons, if the sheep were incidentally spotted by a pilot or passenger who are directly in route to or from a proposed camp or hunter drop-off or pick-up location, an existing camp or cache, or Dall sheep harvest location between the August 10 and September 20 hunting season.
 - This prohibition does not preclude someone from legally harvesting any Dall sheep if it were incidentally spotted while directly in route to or from a proposed landing location.
 - This prohibition does not intend to prevent any flight maneuvers that are necessary to make an informed and safe landing in the field.

Adopted: March 17, 2016
Vote: 4-2-1
Fairbanks, Alaska


Ted Spraker, Chairman
Alaska Board of Game

- 7) The board has supported the reestablishment of state-managed guide concessions to address user conflicts and hunt quality issues for more than a decade. The board continues to support this avenue to address known conflict areas. It will be the board's policy to address nonresident allocations under state or federal concessions that have overlaying draw requirements in a manner that cooperates with land management efforts and goals, as deemed appropriate by the board.

Vote: 5-1-1
Adopted: November 17, 2017
Anchorage, Alaska


Ted Spraker, Chairman
Alaska Board of Game

**Alaska Board of Game
Policy for the
Annual Reauthorization of Antlerless Moose**

#2007-172-BOG

Background

Alaska Statute **AS 16.05.780** requires the Board of Game to reauthorize the Antlerless moose seasons in each Game Management Unit, subunit or any other authorized antlerless moose season on a yearly basis.

In order for the Board to comply with AS 16.05.780, it must consider that antlerless moose seasons require approval by a majority of the active advisory committees located in, or the majority of whose members reside in, the affected unit or subunit. For the purpose of this section, an “active advisory committee” is a committee that holds a meeting and acts on the proposal.

Because of the requirement for yearly reauthorization, the Board of Game approves of the proposals in order to insure they remain in regulation. In the case of the antlerless moose seasons, the Board of Game has delegated authority to the Department which allows them to administer a hunt if there is an allowable harvest of antlerless moose. The Board of Game has provided language to allow the Department to issue an “up to” number of permits so that we do not have to try and set a hard number each year. In most years it would be very difficult for a decision on allowable harvest to be made prior to the surveys the Department makes of the moose population.

This requirement for yearly authorization takes a lot of valuable Board time as well as requiring the Department to bring in area biologists or regional supervisors to present to the Board information on the proposed regulation. The attendance of many of these area biologists or regional supervisors is not required for any other proposed regulatory changes that the Board will consider in the normal Board cycle of proposals.

Because this requirement increases the cost to the Department and the Board, and because the annual reauthorization for some of the antlerless moose seasons may be considered a house keeping requirement in order to comply with AS 16.05.780, the Board has determined that a more efficient way to handle the annual reauthorization should be adopted and has established the following policy in agreement with the Department.

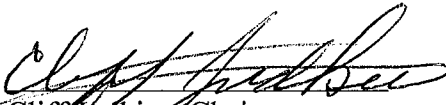
Policy for yearly authorization of Antlerless Moose Hunts by the Board of Game

Each year, the Department will present as a package for approval all of the antlerless moose proposals. During that presentation, if there are any changes that will be required to be considered, they will be noted for later discussion.

Because the Board had delegated the authority to the Department to hold antlerless moose hunts, there are many hunts that do not occur based on biology. The Department and the Board finds that it is important to keep these regulations on the books so that when opportunity exists, the Department will have the ability to provide additional opportunity for the use of antlerless moose.

The Board agrees that it will minimize debate during the presentation and only consider extensive discussion on any reauthorization that will be associated with a pending proposal submitted during the normal cycle to be considered. This discussion will be limited to any proposal submitted to the Board and not during the approval fo the packaged proposals for reauthorization of antlerless moose seasons.

The Board is aware of the time and expense required to comply with AS 16.05.780; it feels that by adopting this policy both the Department and Board will be better served.



Cliff Ludkins, Chairman
Alaska Board of Game

Vote: 7-0
March 12, 2007
Anchorage, Alaska

ALASKA BOARD OF GAME FINDINGS
CONTROL OF WANTON WASTE IN THE
HOLITNA/HOHOLITNA RIVER DRAINAGES
97-107-BOG

During its March 13 - 23, 1997 meeting in Anchorage, the Board of Game (BOG) heard extensive public testimony and advisory committee reports regarding concern over the ongoing and escalating occurrences of wanton waste in the Holitna/Hoholitna River drainages (HHRD). Based on these reports and additional information provided by Division of Wildlife Conservation and Wildlife Protection staff and considerable deliberation the BOG makes the following findings:

1. Moose population numbers in the HHRD remain unknown, but biological factors indicate that the population is currently healthy and relatively stable. The area also comprises a major migration route and expansion habitat for the growing Mulchatna caribou herd. Both of these populations are highly relied upon and utilized by state residents for subsistence purposes.
2. As referenced in BOG Findings 92-59-BOG, there are at least three distinct human use patterns in the HHRD: Lower Kuskokwim, Middle Kuskokwim, and floater/drifter. In addition, some guided hunting occurs in both Game Management Units 19A and 19B.
3. In recent years there has been a significant increase of observed instances of wanton waste and improper meat salvage by floater/drifter hunters in the area. The duration of floater/drifter hunts ranges from approximately one week in Unit 19B, to an additional two weeks to the next pick-up point in Unit 19A (or three weeks total).
4. The amount of time necessary to complete such a lengthy float is conducive to meat spoilage, especially when the meat has been boned out. Additionally, boning of meat presents a much greater level of difficulty for enforcement personnel to "prove" that an animal was not properly salvaged. The BOG finds these particularly offensive to the state's high regard for harvest of ungulates for their meat as reflected in the laws concerning wanton waste, intensive management and subsistence preference and priority.
5. An increasing component of the floater/drifter use group is comprised of nonresident hunters who have little to no idea how large of an animal a moose is, no frame of reference to realistically judge antler size, and often lack the basic knowledge necessary to properly take care of the substantial amount of meat that one animal provides.

Accordingly, the BOG takes the following regulatory action to address these problems:

- A. A moose or caribou taken in the HHRD in Unit 19B by a hunter accessing the area by aircraft must be transported out of Unit 19B by aircraft.
- B. The edible meat of the front quarters, hindquarters, and ribs (excluding the vertebrae and the pelvis) of any moose or caribou taken in Unit 19B or in the Holitna/Hoholitna Controlled Use Area (HHCUA) must remain on the bone until it has been transported out of Unit 19B or the HHCUA.
- C. A nonresident hunter in Unit 19B must have attended an ADF&G approved hunter orientation course (to include antler size recognition or restrictions and meat care) or must be accompanied by a registered guide or resident family member within second degree of kinship.
- D. Any hunter passing an ADF&G established check station must stop at the check point.

Based on all the information presently available the BOG believes that the above regulations will significantly reduce the level of wanton waste in the HHRD and HHCUA without imposing further access restrictions on other user groups.

Date: April 19, 1997
Juneau, Alaska

Vote: 7-0


Larry Holmes, Chair
Alaska Board of Game

ALASKA BOARD OF GAME FINDINGS
ANTLERLESS MOOSE IN 20A
PROPOSAL 42
96-103-806

The moose population on the Tanana Flats (GMU 20A) erupted during the 1950s and reached a high by the early 1960s variously estimated at 12,000 to 23,000 animals. During this time, this area became an important moose hunting area for residents of the Fairbanks area. Beginning about 1965, the moose population crashed to about 2,800 moose by 1975. This was attributed to winter weather, including record snowfall in 1970-71, overuse of the range, and poorly regulated hunting, in combination with inadequate monitoring of population trend.

By 1975, it was apparent that wolf predation was limiting recovery of the moose population. The Board implemented a wolf reduction program in 1976 that effectively reduced wolf numbers and allowed moose to increase. Between 1976 and 1996, moose numbers increased from 2,800 to about 14,000. By the mid-1980s, wolf numbers had recovered to pre-control levels but wolf predation was insufficient to limit moose population growth.

Biological information now indicates that if the Tanana Flats moose population increases further, range damage may occur, recruitment may decline as competition for high-quality food increases, and survival will fall. These biological events may precipitate another crash (in conjunction with deep snow) similar to that which occurred in 1965-1975.

After considering public testimony and biological information presented by the Department, the board finds that:

1. Moose populations that increase to high density (generally more than 1.5 moose per square mile in interior Alaska) are at risk for crashes that reduce herd size greatly. Such crashes are precipitated by range damage that may take decades to repair. There are numerous, well-studied case histories of moose populations in Alaska and throughout North America, that document this reality.
2. Crashes of moose populations result in numerous biological and public policy problems as hunters find fewer opportunities to hunt over long time intervals as conservative harvest regulations are required to rebuild the moose populations.
3. Crashes of moose populations are likely preventable if moose populations are carefully monitored, range condition and trend information is available, and harvest regulations are flexible.
4. In order to curb the growth of a moose population approaching carrying capacity, biologists indicate that cow harvests are mandatory. It is not possible to prevent carrying


capacity problems by harvesting only bulls as bull:cow ratios then become distorted and the cow portion of the populations continues to increase.

5. Specifically, with regard to the Tanana Flats moose population, the Board finds that this population, currently at about 14,000 animals, now shows biological signs of approaching carrying capacity. At carrying capacity recruitment is very low, animals are in poor condition, opportunity for harvest is minimal, and range damage may be excessive. Accordingly it is prudent to now consider harvesting a sufficient number of cow moose to slow further population growth. This may involve harvesting up to 1,000 cows.

6. The Board finds that opposition to harvesting cow moose by some local Fish and Game Advisory Committees is strong. Testimony by at least two committees at the March 1996 Board meeting specifically opposed harvesting any cows from the Tanana Flats population, and one committee indicated that it would likely oppose cow moose hunts despite any biological information.

7. The Board finds that there is need for increased public support for harvesting cow moose if we are to fully realize the potential for intensive management that may involve predator reduction programs. Predator control and habitat improvement may result in moose populations that reach high density and subsequently crash, thereby negating efforts to provide maximum hunting opportunity. Cow moose hunts are required to prevent this occurrence, but may be blocked by advisory committee opposition.

8. The Board finds that one way to seek increased support for cow moose hunts is for the Department, the Board, and various interests groups to work closely with advisory committees in order to provide them with adequate information on the risks and benefits of different harvesting strategies. Evidence of this includes the Department's extensive work with local advisory committees that resulted in adoption of Proposal 42A allowing for a limited cow harvest in Game Management Unit 20A in 1996 supported by the advisory committees.


Larry Holmes, Chair
Alaska Board of Game

Date: 4/18/96
Juneau, Alaska

Vote: 6-0-1
absent

**SUMMARY OF FINDINGS
UNIT 19 A & B MOOSE**

The Board of Game heard public testimony, staff reports, advisory committee reports, and discussed the issue of management of moose in Units 19A and 19B on April 1 and April 2, 1992. Based upon all the testimony and reports, both oral and written, the Board makes the following observations and conclusions:

Biological Findings:

1. The Board finds that the moose found in the Holitna and Hoholitna river drainages in 19A and 19B are a moose "population." AS 16.05.940 (18). The boundary between 19A and 19B was drawn to reflect different use patterns of the population. The Unit 19A and 19B portions of this population have been subjected to discreet management.

2. The moose population within the Holitna and Hoholitna river drainages in GMU 19A and 19B is of moderate density, increasing in size, and highly productive. Calf:cow ratios in the lower Holitna and Hoholitna rivers in the fall during the past 10 years have averaged about 50-60 calves per 100 cows. Calf:cow ratios in the upper Hoholitna drainage in Unit 19B over this time have averaged about 25 to 30 calves:100 cows.

3. Bull-cow ratios within the 19A portion declined from 60-70 bulls:100 cows to approximately 30 bulls:100 cows during the 1976-1990 period as a result of high hunting pressure. The current ratio remains biologically adequate for productivity and the population sex and age structure provides for high sustained harvests.

4. Bull-cow ratios within the 19B portion remain higher than 19A, reflecting lower hunting pressure.

5. An estimate of the annual moose harvest during the period 1985-1990 for the Holitna and Hoholitna drainage for all types of uses is approximately 300 bulls and 30 cows, which is well within sustained yield limits. Of this estimated harvest, an average of 40-50 bulls were harvested each year by non-residents during this period, with the remainder by Alaska residents.

6. In general, the harvest of moose in the 19A portions of the Holitna and Hoholitna river drainages is predominately by hunters using boats, primarily residents of Units 18 and 19. The harvest of moose in the 19B portions of the Holitna and Hoholitna river drainages is primarily by hunters using aircraft access. Wheel-equipped aircraft are used to access upland areas, and float-equipped aircraft are used to access Whitefish Lake and certain landing and takeoff points along the rivers, including the

confluence of the Holitna with the Kuskokwim, the confluence of the Hoholitna with the Holitna, and other locations downriver from the mouth of the South Fork.

Subsistence Use Patterns:

1. The Board of Game found in 1987 that there are subsistence uses of moose in Unit 19, including the Holitna and Hoholitna drainages described above.

2. There are at least three distinct subsistence use patterns for moose in the Holitna and Hoholitna river drainages: a Lower Kuskokwim Use Pattern by hunters from Unit 18, a Middle Kuskokwim Use Pattern by hunters from Unit 19, and a Floater/Drifter Use Pattern by Alaska residents supported by floatplanes. In the Lower Kuskokwim Use Pattern, hunters tend to access 19A and 19B by boats powered by outboard engines often in excess of 70 horsepower, which is part of the means and methods of harvest. In the Middle Kuskokwim Use Pattern, including Sleetmute residents, hunters tend to access the areas by boats with horsepower engines less than 70 horsepower. In the Floater/Drifter Use Pattern, hunters typically access the area by airplanes or transporters combined with float craft.

3. In addition, there is some non-Alaska resident guided hunting in 19A and 19B. Guided hunters typically access the area by airplane, and harvest is predominately large bulls. The number of moose taken by guided hunters in 19A is small; harvest information indicates 7 moose taken by guided hunters for all of Subunit 19A in 1991.

4. The success rate during the fall in 19A and 19B for hunters who are part of the Lower Kuskokwim Use Pattern is about 50%. The success rate during the fall in 19A and 19B for hunters who are part of the Middle Kuskokwim Use Pattern is in the 70% range. The success rate for hunters who are part of the Floater/Drifter Use Pattern is estimated to be about 50%, although there is no detailed information on this group.

5. Hunters from Sleetmute hunt as part of the Middle Kuskokwim Use Pattern. The Department estimated an annual subsistence harvest to be somewhat more than 1 moose per multiperson household during the 1980s. A high estimate of the traditional use level by Sleetmute residents for the 1980s was between 1 to 2 moose per multiperson household, or about 48 moose for the community; however, actual harvest levels fluctuate according to a number of factors including weather and competition from other hunters. The reported harvest during the September season was approximately 12 with an additional 7 taken in the November and February seasons during the 1982-83 season, or about .86 moose per multiperson household. There

probably also were moose taken outside the open moose hunting seasons, but there is no estimate of numbers for Sleetmute. Sleetmute residents have indicated increasing difficulties in hunting moose along the river corridor during the September season.

Moose Required for Subsistence Uses:

The Board concludes that there is not a Tier II situation for moose hunting in the Holitna and Hoholitna drainages, as there is a reasonable opportunity for subsistence uses for the Lower Kuskokwim Use Pattern, the Middle Kuskokwim Use Pattern, and the Drifter/Floater Use Pattern. The number of harvested moose necessary to provide for subsistence uses of this moose population for all subsistence uses is within a range that may fluctuate from year to year, and is estimated to be about 300 in the period 1985-90. This is also a reasonable estimate for 1992 based on available information.

Subsistence Use Concerns:

There is evidence that the Middle Kuskokwim Use Pattern, particularly for Sleetmute, is being impacted by an increased number of hunters and increased noise and disturbance by hunters in the river corridor of the Holitna and Hoholitna river drainages of 19A and 19B. Most of the increase is by Unit 18 residents who hunt as part of the Lower Kuskokwim Use Pattern. There also may be an increase in hunters who hunt as part of the Floater/Drifter Use Pattern based on reports of local hunters, although the Department has no firm estimate of trends in numbers for this user group. The board received testimony from local residents who perceived that the use of aircraft in Units 19 A and B contributed to disturbance of moose and competition from urban hunters. The board found that the disturbance exists primarily along the river corridor from boat traffic, and that the use of aircraft for access to this population for hunting is not a significant disturbance factor. The major impact on the Middle Kuskokwim Use Pattern has been that there are fewer bull moose available along the Holitna and Hoholitna river corridor. Hunters of the Middle Kuskokwim Use Pattern report having to spend more days afield and spend more money hunting in the fall to obtain moose. A shortfall of fall moose takes are made up to some extent by harvests in the November and February seasons.

Board Regulatory Action:

The board adopted the Holitna-Hoholitna Controlled Use Area (5 AAC 92.540 (e) (2)) at the Spring 1992 board meeting. The board finds that this regulation, combined with the moose hunting seasons for Unit 19 A and B, provide a reasonable opportunity to satisfy the subsistence uses of this moose population. The moose seasons for Units 19 A and B (outside the Lime Village Management area) are as follows:

Unit 19 A (except the Lime Village Management Area):

Resident hunters: Sept. 1 - Sept. 20; Nov. 20 - Nov. 30; Feb. 1 - Feb 10: 1 moose; however, antlerless moose may be taken only during the Nov. 20 - Nov. 30 and Feb. 1 - Feb. 10 seasons.

Nonresident hunters: Sept. 1 - Sept. 20: 1 bull with 50 inch antlers.

Unit 19 B:

Resident hunters: Sept. 1 - Sept. 25: 1 bull.

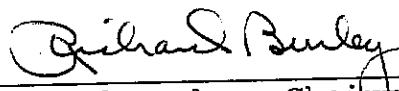
Nonresident hunters: Sept. 1 - Sept 25: 1 bull with 50 inch antlers.

The purpose of the controlled use area is to minimize disturbance along the Holitna - Hoholitna River corridor which has tended to displace moose, especially bull moose, making moose less accessible to subsistence users who rely on river access. The horsepower restriction is intended to limit noise disturbance while still allowing reasonable access by the method primarily used by subsistence users of this moose population. The board is also recommending that the department establish a check station at Whitefish Lake to further document the use pattern for Floater/Drifter hunters and better assess the extent of this use.

Based upon the best available information presented to it, the board believes that the regulations now established for moose hunting of this population will provide a reasonable opportunity for subsistence users of this population to satisfy their subsistence needs.

Dated: April 3, 1992

Location: Anchorage, Alaska


Richard Burley, Chairman
Board of Game