

ALASKA DEPARTMENT OF FISH & GAME
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SUPPLEMENTAL PROPOSAL PACKET TO THE FALL 2000 BOARD OF GAME MEETING

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**US Department of the Interior
Washington, D.C. 20240**

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**U.S. Department of the Interior
Washington, D.C. 20240**

Note: The Board accepted this proposal as an agenda change request. It is printed here for further public comment.

PROPOSAL A - 5 AAC 92.125. WOLF PREDATION CONTROL IMPLEMENTATION PLAN. Wolf predation control implementation plans are established for the following areas:

(1) a Unit 19(D)-East wolf predation control area is established and consists of those portions of the Kuskokwim River drainage within Unit 19(D)-East upstream from the Selatna River, but excluding the Selatna River drainage and the Black River drainage [AND THE TAKOTNA RIVER DRAINAGE UPSTREAM FROM THE NIXON FORK DRAINAGE]; notwithstanding any other provision of 5 AAC, [IN ACCORDANCE WITH 5 AAC 92.110] the commissioner or the commissioner's designee shall [MAY] conduct a wolf population reduction or wolf population regulation program in the Unit 19(D)-East wolf predation control area consistent with the following control objectives constraints, and requirements:

(A) the objective of the program is to reverse the declining productivity of [DECLINE IN] the moose population, which has resulted in a significant reduction in the allowable human harvest, and to enhance the abundance of [INITIATE AN INCREASE] the early winter moose population to 6,000-8,000 with a sustainable annual harvest of 300-400 moose by the year 2005;

(B) [WHEN THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE CONDUCTS A] the wolf population reduction or wolf population reduction or wolf population regulation program [, THE PROGRAM] shall be conducted in the following manner to achieve the objective of (A) of this paragraph:

(i) for up to five years beginning April [FEBRUARY] 1, 2000, the commissioner shall [MAY] reduce the wolf population in Unit 19(D)-East; however, the commissioner may not reduce the wolf population in Unit 19(D)-East wolf predation control area to fewer than 20 wolves;

(ii) the commissioner shall reduce the wolf population in an efficient manner, but as safely and humanely as practical; and

(iii) the [BOARD AUTHORIZES] commissioner shall [TO] issue public aerial shooting permits or public land and shoot permits as a method of wolf removal;

(C) hunting and trapping of wolves by the public in Unit 19(D)-East during the term of the program may occur as provided in the hunting and trapping regulations set out elsewhere in this title; however, if the wolf population is reduced to 20 wolves, the commissioner shall stop all taking of wolves until the wolf population increases;

(D) annually, the department shall provide to the Board of Game, at the board's fall board meeting, a report of program activities conducted during the preceding 12 months, including implementation activities, the status of moose, caribou, black bear, brown bear, and wolf populations, and recommendations for changes, if necessary, to achieve the plan's objective;

(E) In adopting this wolf predation control program, the board finds [JUSTIFICATION FOR THE PROGRAM, AND WILDLIFE POPULATION AND HUMAN-USE INFORMATION IS] as follows with respect to Unit 19(D)-East:

(i) [THE BOARD OF GAME DETERMINED] the moose population [IN UNIT 19(D)-EAST] is important for providing high levels of human consumptive use, including satisfying subsistence uses, which are the highest preferred beneficial uses; the board established objectives for

population size designed to achieve and maintain in perpetuity the ability of the moose population [AND ANNUAL SUSTAINED HARVEST OF MOOSE IN UNIT 19(D)-East] to support a high level of human harvest, subject to preferences among beneficial uses and consistent with multiple use and principles of sound management of habitat and all wildlife species in the area; enhancement of the moose population is feasibly achievable utilizing recognized and active management techniques, and the immediate implementation of such techniques is necessary;

(ii) the moose population [IN UNIT 19(D)-East] contains migratory and lowland resident components; migratory moose move from the uplands of the Alaska Range foothills in adjacent Unit 19(C) to lowland areas in spring before calving; these moose remain in riparian and wetland areas of Unit 19(D)-East through the summer, then return to the foothills at the onset of the rut in early autumn; they are largely unavailable to local hunters during open hunting seasons;

(iii) the resident segment of the moose population is currently estimated to be 1,200 – 1,600 moose based on aerial surveys in 1999;

(iv) moose hunting seasons and bag limits are significantly more restrictive than in the mid-1970s, and the harvestable surplus is no longer sufficient to provide even the amount reasonably necessary for subsistence uses; currently, the season is open for 37 [20] days in [AUGUST AND] September and 31 [15] days in December with a bag limit of 1 bull for resident hunters only; aircraft may not be used for hunting moose in most of the area, which has been included in the Upper Kuskokwim Controlled Use Area, so few moose are taken by hunters residing outside the area; harvest by subsistence hunters [IN UNIT 19(D)-East] is estimated to be about 80-100 moose per year and declining; this is less than half of the amount necessary to provide a reasonable opportunity for subsistence uses [THE DESIRED HARVEST LEVEL];

(v) habitat quality [IN UNIT 19(D)-East] is not currently a limiting factor; wildfires are common and the fire suppression efforts are limited; moose densities are currently estimated at approximately 0.3 moose per square mile; all indications are that habitat in this area is easily capable of sustaining 3 to 4 times the present level of the moose population; further efforts to increase moose population through habitat manipulation would be of little value;

(vi) black and brown bear densities have not been estimated, but are thought to be low to moderate; the impacts of bear predation on moose are thought to be moderate;

(vii) the wolf population [IN UNIT 19(D)-East] was estimated during an intensive aerial survey in February 1994; the population in a 5,000 square mile portion [OF UNIT 19(D)-East] was estimated at 44-66 wolves in 1997; this is approximately 0.9-1.3 wolves per 100 square miles;

(viii) available moose and wolf population estimates suggest the current moose-to-wolf ratio is between 18:1 and 36:1, and may be substantially lower if anecdotal evidence on the present size of the wolf population is correct; with limited numbers of caribou and other prey [IN UNIT 19(D)-East], wolf predation rates on resident moose are high and constitute significant factors in the unacceptable decline in the moose population's

productivity and in the inability to attain the board's population and human-use-objectives; moose can be expected to persist at low densities with little expectation of increase unless the moose-to-wolf ratio changes substantially;

(ix) several severe winters in the late 1980s and early 1990s have contributed to the moose population decline by reducing forage availability and increasing vulnerability of moose-to-wolves;

(x) hunting and trapping of wolves in the area is well below [HAVE NOT EXCEEDED] sustainable levels; the department can continue trapper education efforts in local villages, but previous trapper education programs have had no measurable effect on harvest; economic factors are a major obstacle to reducing wolf numbers through hunting and trapping; if the wolf population is to be reduced to achieve prey population objectives, measures beyond normal hunting and trapping will have to be employed;

(xi) the board accepts and adopts the written findings submitted by the commissioner at the board's March 2000 meeting that, based on the board's productivity objectives for this moose population, wolf predation is an important factor contributing to the population's decline that is inconsistent with the game management program authorized by the board since 1995, and that a reduction in wolf predation can reasonably be expected to arrest the decline of the moose population and result in aiding its increase; and that airborne or same-day-airborne shooting of wolves is necessary to accomplish the board's game management program.

ISSUE:

WHAT WILL HAPPEN IF NOTHING IS DONE?

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Takotna Tribal Council

(HQ-00F-G-057)

Note: This proposal (formerly proposal #53 from the March 2000 meeting) was deferred to the Fall 2000 meeting. It is printed here for further public comment.

PROPOSAL B - 5 AAC 85.045(17) and (19). HUNTING SEASONS AND BAG LIMITS FOR MOOSE. Amend this regulation as follows:

Shorten nonresident hunting season in Units 19 and 21E ten days (Sept. 1 –Sept. 10) after Sept. 10 trophy value of moose will be required to be destroyed to ensure compliance with law.

ISSUE: Lack of control over explosive growth of nonsubsistence moose hunting pressure in mid-Kuskokwim region, sustained yield principle of management in jeopardy.

WHAT WILL HAPPEN IF NOTHING IS DONE? Moose numbers in mid-Kuskokwim region will be depleted, resulting in loss of important food source to people and animals who live in region.

WHO IS LIKELY TO BENEFIT? People and animals who depend on and have depended on moose as an important food source.

WHO IS LIKELY TO SUFFER? Some guides, outfitters, and air taxi operators may not make as much money, but if resource is depleted no one will benefit, we all will suffer.

OTHER SOLUTIONS CONSIDERED? Close mid-Kuskokwim region completely until state comes up with management system for nonresidents

(HQ-00S-G-028)

PROPOSED BY: Herman W. Morgan

(HQ-00F-G-051)

Note: This proposal (formerly proposal #98 from the March 2000 meeting) was deferred to the Fall 2000 meeting. It is printed here for further public comment.

PROPOSAL C - 5 AAC 92.108. IDENTIFIED BIG GAME PREY POPULATIONS AND OBJECTIVES. Proposed population and harvest objectives.

Game Management Unit	Population Objective	Harvest Objective
Moose		
12	4,500 – 6,000	450 - 650
19A	6,000 – 9,000	600 – 1,200
19B	12,000 – 15,000	1,200 – 2,000
19C	5,000 – 7,000	500 - 700
19D East	7,000 – 10,000	800 - 1,500
19D Remainder	5,000 – 8,000	700 – 1,200
20A	15,000 – 20,000	1,500 – 2,500
20B	15,000 – 20,000	1,700 – 3,000
20C	6,000 – 7,000	600 - 800
20D	8,000 – 10,000	800 – 1,200
20E 40 Mile & Ladue	10,000 – 13,000	1,000 – 1,500
21D	10,000 – 15,000	1,000 – 2,000
21E	9,000 - 13,000	1,000 – 1,500
24	15,000 – 18,000	1,500 – 2,500
25D	10,000 – 15,000	1,000 – 2,000
Caribou		
	Population Objective	Harvest Objective
Central Arctic	25,000 – 30,000	2,500 – 3,500
Delta	6,000 – 8,000	600 - 900
Nelchina	50,000 – 60,000	5,000 – 8,000
Macomb	700 – 1,000	70 - 125
Fortymile	50,000 (1)*	1,000 – 1,350 (1)*
	100,000 (2)*	10,000 – 15,000 (2)*

Porcupine

200,000 est. (3)*

5,000 (4)*

*(1) 2001 *(3) population Alaska and Canada

*(2) 2007 *(4) in Alaska.

ISSUE:

WHAT WILL HAPPEN IF NOTHING IS DONE?

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

(I-00S-G-045)

PROPOSED BY: Fairbanks Advisory Committee

(HQ-OOF-G-049)

Note: This proposal (formerly proposal #99 from the March 2000 meeting) was deferred to the Fall 2000 meeting. It is printed here for further public comment.

PROPOSAL D - 5 AAC 92.108. IDENTIFIED BIG GAME PREY POPULATIONS AND OBJECTIVES. Intensive management population and harvest objectives for caribou and moose in the Interior Region are listed for inclusion in this regulation.

...

Population



Population	Population Objective	Harvest Objective	Harvest Objective
Central Arctic Herd	Positive	<u>18,000-20,000</u>	<u>600-800</u>
...			
Delta Herd	Positive	<u>4,500-5,500</u> [6,000—8,000]	300-500
...			
Fortymile Herd	Positive	<u>50,000-70,000</u>	<u>850-2,600</u>
...			
Macomb Herd	Positive	600-800	30-50
...			
Porcupine Herd	Positive	<u>100,000-150,000</u>	<u>1,500-2,000</u>
...			
Moose			
...			
GMU 12	Positive	<u>4,000-6,000</u>	<u>150-250</u>
...			
GMU 19(A)	Positive	<u>6,000-10,000</u>	<u>200-350</u>
GMU 19(B)	Positive	<u>3,500-5,000</u>	<u>150-250</u>
...			

GMU 19(D)-East	Positive	<u>2,500-4,000</u> [6,000-8,000]	<u>125-200</u> [300-400]
GMU 19(D)-remainder	Positive	<u>3,400-5,100</u>	<u>170-250</u>
GMU 20(A)	Positive	10,000-12,000	300-500
GMU 20(B)	Positive	<u>12,000-15,000</u>	<u>600-900</u>
GMU 20(C)-outside Denali	Positive	<u>3,000-4,000</u>	<u>150-240</u>
GMU 20(D)	Positive	8,000-10,000	240-500
GMU 20(E)- Fortymile Ladue River Drainage	Positive	<u>5,500-8,000</u>	<u>150-300</u>
...			
GMU 21(D)	Positive	<u>5,000-10,000</u>	<u>150-700</u>
GMU 21(E)	Positive	<u>9,000-11,000</u>	<u>300-400</u>
GMU 24	Positive	<u>8,000-12,000</u>	<u>250-600</u>
...			
GMU 25(D)	Positive	<u>6,000-8,000</u>	<u>180-400</u>

ISSUE: Board determinations of the intensive management population and harvest objectives for Region III were deferred from the March 1998 meeting until the present, March 2000 meeting. These determinations are necessary to fully implement the intensive management statute and regulation

WHAT WILL HAPPEN IF NOTHING IS DONE? The intensive management regulation will not be fully implemented.

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Alaska Department of Fish and Game

(HQ-00S-G-087)
(HQ-00F-G-050)

Board of Game amended portion of proposal #99.

Population	Findings	Population Objective	Harvest OBJECTIVE
Caribou			
Central Arctic Herd	Positive	<u>18,000-20,000</u>	<u>600-800</u>
...			
Delta Herd	Positive	<u>4,500-5,500</u> [6,000-8,000]	300-500
...			
Fortymile Herd	Positive	<u>50,000-100,000</u> <u>15,000</u>	<u>1,000-</u>
...			

Porcupine Herd	Positive	<u>100,000-150,000</u> <u>2,000</u>	<u>1,500-</u>
...			
Moose			
...			
GMU 12	Positive	<u>4,000-6,000</u>	<u>250-450</u>
...			
GMU 19(A) and 19(B) [GMU 19(B)]	Positive [POSITIVE]	<u>13,500-16,500</u>	<u>800-1650</u>
...			
GMU 19D-East	Positive	<u>2,500-4,000</u> <u>[6,000-8,000]</u>	<u>125-200</u> <u>[300-400]</u>
GMU 19(D)-remainder	Positive	<u>4,000-6,000</u>	<u>250-600</u>
GMU 20(A)	Positive	<u>10,000-12,000</u>	<u>300-500</u>
GMU 20(B)	Positive	<u>12,000-15,000</u>	<u>600-900</u>
GMU 20(C)-outside	Positive	<u>3,000-4,000</u>	<u>150-240</u>
Denali			
GMU 20(D)	Positive	<u>8,000-10,000</u>	<u>500-700</u> <u>[240-500]</u>
GMU 20(E)- Fortymile Ladue River Drainage	Positive	<u>8,000-10,000</u>	<u>500-1,000</u>
...			
GMU 21(D)	Positive	<u>7,000-10,000</u>	<u>450-1000</u>
GMU 21(E)	Positive	<u>9,000-11,000</u>	<u>500-1,100</u>
GMU 24	Positive	<u>8,000-12,000</u>	<u>400-850</u>
...			
GMU 25(D)	Positive	<u>6,000-8,000</u>	<u>180-400</u>
...			

Note: This proposal (formerly proposal #108 from the Winter 2000 meeting) was deferred to the Fall 2000 meeting. It is printed here for further public comment.

PROPOSAL E – 5 AAC 99.025. CUSTOMARY AND TRADITIONAL USES OF GAME POPULATIONS. Identify customary and traditional uses and amounts reasonably necessary for subsistence uses for furbearers, as follows:

SPECIES AND UNIT	FINDING	AMOUNT REASONABLY NECESSARY FOR SUBSISTENCE USES
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Furbearers

(A) Beaver
Units 1-6, 8-9, 11-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(B) Coyote
Units 1-6, 9-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(C) Fox
Units 1-6, 8-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(D) Lynx
Units 1-6, 8-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(E) Marmot
Units 1-6, 8-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(F) Marten
Units 1-6, 8-9, 11-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(G) Mink
Units 1-6, 8-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(H) Muskrat
Units 1-6, 8-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(I) Otter, land
Units 1-6, 8-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(H) Squirrel

Units 1-6, 8-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(I) Weasel

Units 1-6, 8-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(J) Wolf

Units 1-6, 9-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

(K) Wolverine

Units 1-6, 8-13, 15C, 16B, 17-26, in areas outside nonsubsistence areas positive Range

ISSUE: The board has never made findings regarding the “customary and traditional uses” of “furbearers”, which are animals subject to taking with a trapping license, including beaver, coyote, fox (arctic, red), lynx, marten, mink, weasel (least, short-tailed), muskrat, land otter, squirrel (red, flying, ground), marmot (Alaska, hoary), wolf, and wolverine (5 AAC 92:990(21)) (partial findings have been made for wolf in certain areas: game management units 2, 6, 9, 10 Unimak Island, 11-13, and 16-26). State regulations for “furbearer trapping” in 5 AAC 84.270 are silent on the question of whether the regulations are “subsistence trapping”, “general resident trapping,” or “nonresident trapping.” State statute (16.05.258(a)) authorizes the board to make customary and traditional use findings in certain areas – “Except in nonsubsistence areas, the Board of Fisheries and 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 board also has never made findings for furbearers regarding the “amount reasonably necessary for subsistence uses”, as authorized in 16.05.258(b) – “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.”

In 1997, the board directed the department to develop a draft proposal to deal with this gap in regulatory findings. The above draft proposal would identify furbearer populations by species and areas, customary and traditional use findings, and the amounts reasonably necessary for subsistence.

In addition to changes in 5 AAC 99.025 identified above, other changes in trapping regulations would be as follows. In 5 AAC 84.270, trapping regulations for populations/areas with positive findings would be identified as “resident subsistence”, “resident general,” and “nonresident trapping”, unless otherwise directed by the board. In 5 AAC 84.270, trapping regulations for nonsubsistence areas (5 AAC 99.015) and populations/areas with negative findings would be identified as “resident general” and “nonresident trapping”, unless otherwise directed by the board.

WHAT WILL HAPPEN IF NOTHING IS DONE? State regulations might continue to be silent on the question of whether there are customary and traditional uses of furbearers. Customary and traditional use findings of furbearers might be dealt with by the board on a species by species and area by area basis, depending on proposals received by the board.

WHO IS LIKELY TO BENEFIT? Trappers in general may benefit from a clarification of regulations. Trappers who trap under state regulations on federal public lands which are open to "subsistence trapping" will have their pattern of use identified as subsistence trapping in state regulation. Trappers who bring furbearer proposals before the board will not be faced with the uncertainty regarding subsistence findings and the statutes pertaining to their request. The board, the department, and the public will spend less time in board meetings if comprehensive furbearer findings are made compared with case by case findings made over time.

WHO IS LIKELY TO SUFFER? No one. The regulatory changes are primarily administrative and do not result in a reduction of opportunity for any user. In the future, public proposals may be received requesting differences in trapping regulations for resident subsistence, resident general, and nonresident trapping.

OTHER SOLUTIONS CONSIDERED? In 1997, the board considered two other options: (1) doing nothing, and (2) making customary and traditional use findings over a number of years on a species by species and area by area approach as proposals are submitted by the public. In 1997, the board directed the department to develop the comprehensive proposal presented here.

(HQ-00W-G-101)

PROPOSED BY: Alaska Department of Fish and Game

(HQ-00F-G-055)

Note: This proposal (formerly proposal #113 from the March 2000 meeting) was deferred to the Fall 2000 meeting. It is printed here for further public comment.

PROPOSAL F - 5 AAC 92.540. CONTROLLED USE AREAS. Establish a Kaiyuh Controlled Use Area from the Yukon River to the Kaiyuh Hills including the Upper Innoko Wildlife Refuge.

ISSUE: Increasing airborne hunting pressure on the Kaiyuh Flats. Increasing hunting pressure and illegal guiding operations on the Kaiyuh Flats, via., Upper Innoko Wildlife Refuge on a fragile moose population.

WHAT WILL HAPPEN IF NOTHING IS DONE? This fragile subsistence moose population will rapidly decline.

WHO IS LIKELY TO BENEFIT? Subsistence users and non-airborne hunters; and all wildlife.

WHO IS LIKELY TO SUFFER? Airborne hunters.

OTHER SOLUTIONS CONSIDERED?

Note: This proposal was deferred to the Fall 2000 meeting. It is printed here for further public comment.

PROPOSAL G - 5 AAC 92.010. HARVEST TICKETS AND REPORTS. Amend this regulation as follows:

(a)...

(g) Within 15 days after taking the bag limit for a species or, if the hunter does not take the bag limit, within 15 days after the close of the season, the hunter shall complete the harvest report and mail it to the department.

[(h) NOTWITHSTANDING (A) - (G) OF THIS SECTION, A NONRESIDENT OR NONRESIDENT ALIEN HUNTER IS EXEMPT FROM THE REQUIREMENT TO POSSESS A HARVEST TICKET OR HARVEST REPORT FOR THE SPECIES TAKEN IF THAT HUNTER PURCHASES AND POSSESSES, AT THE TIME THE HUNTER TAKES A GAME ANIMAL, A BIG GAME TAG FOR A SPECIES AND THAT BIG GAME TAG IS OF EQUAL OR GREATER VALUE TO A DEER, MOOSE, OR CARIBOU BIG GAME TAG.]

ISSUE: At the 1998 statewide Board of Game meeting, 5AAC 92.010 was amended at the request of a guide, and section (h) was added.

The change was intended to eliminate problems that occurred when some vendors would not allow non-residents to pick up harvest tickets if a tag for that species was not purchased also. The regulation as written is too broad, and has resulted in unanticipated enforcement implications, with several cases dismissed in court. There is also a fairness issue since conceivably a resident could be cited for lack of harvest tickets while a nonresident of the same party is not cited.

WHAT WILL HAPPEN IF NOTHING IS DONE?

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED

PROPOSED BY: Alaska Department of Fish and Game (HQ-00F-G-053)

Note: The Board of Game accepted this proposal as an agenda change request. It is printed here for public comment.

PROPOSAL H - 5 AAC 85. 85.050(2). HUNTING SEASONS AND BAG LIMITS FOR MUSK OXEN. Establish a resident subsistence hunting season in Unit 22(B), as follows:

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(2)		
...		
<u>Unit 22(B), that portion within the Fox River drainage upstream of the Fox River bridge, or within one (1) mile of the Fox River bridge, or within one (1) mile of the Council Road east of the Fox River bridge</u>	<u>Nov. 1- Mar. 15 (Subsistence hunt only)</u>	<u>No open season</u>
<u>1 bull by Tier II subsistence hunting permit only; up to 8 bulls may be taken in combination with all Unit 22(B) subsistence hunts; total harvest may not exceed 8 bulls in Unit 22(B)</u>		
<u>Remainder of Unit 22(B)</u>	<u>Aug. 1- Mar. 15 (Subsistence hunt only)</u>	<u>No open season</u>
<u>1 bull by Tier II subsistence hunting permit only; up to 8 bulls may be taken in combination with all Unit 22(B) subsistence hunts; total harvest may not exceed 8 bulls in Unit 22(B)</u>		
...		

ISSUE: Until recently few muskoxen have been present in Unit 22(B). As directed by the Seward Peninsula Muskox Management Plan (adopted in 1994) and the Seward Peninsula Muskox Cooperators Group, muskoxen in Unit 22(B) have been managed for population growth and nonconsumptive use. The spring 2000 census showed that muskoxen in Unit 22(B) increased from 27 bulls in 1998 to 159 animals of mixed age and sex in 2000. The presence of mixed sex groups with yearling animals indicates the population has a reproductive component and is not solely based on emigration from neighboring areas. Two factors, population increase and reproductive success, led the Cooperators Group to recommend opening a season with a 5 percent harvest of bulls only. The Cooperators supported protecting viewing opportunities by delaying hunting along the road system until the winter. The winter season in the hunt area along the Fox River and Council Road east of the Fox River bridge occurs at a time when the Council Road is closed due to seasonal maintenance and will not conflict with road-based viewing opportunities for muskoxen which occur in the summer and fall season when the road is open to highway vehicle travel.

As requested by the cooperators, a state Tier II hunt in Unit 22(B) would be conducted in combination with a federal subsistence hunt on federal public lands. Allocation of the harvestable surplus (8 bulls) between the federal and state hunts has not been determined.

WHAT WILL HAPPEN IF NOTHING IS DONE? Opportunity to hunt muskoxen in Unit 22(B) will be unnecessarily lost.

WHO IS LIKELY TO BENEFIT? Residents of Unit 22(B) who want to hunt muskoxen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None

PROPOSED BY: Alaska Department of Fish and Game on behalf of the Seward Peninsula Muskox Cooperators Group (HQ-00F-G-062)

Note: The Board of Game accepted this proposal as an agenda change request. It is printed here for public comment.

PROPOSAL I - 5 AAC 85. 85.050(2). HUNTING SEASONS AND BAG LIMITS FOR MUSK OXEN. Establish a resident subsistence hunting season in Unit 22(C) as follows:

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(2)		
...		
<u>Unit 22(C), that portion within the Eldorado and Bonanza River drainages (excluding the Flambeau drainage) upstream of Safety Sound</u>	<u>Aug. 1 - Sept. 30 (Subsistence hunt only)</u>	<u>No open season</u>
<u>1 bull by Tier II subsistence hunting permit only; up to 2 bulls may be taken</u>		
<u>Unit 22(C), that portion west of the west bank of the Sinuk River</u>	<u>Feb. 1 – Mar. 15 (Subsistence hunt only)</u>	<u>No open season</u>
<u>1 bull by Tier II subsistence hunting permit only; up to 2 bulls may be taken</u>		
<u>Remainder of Unit 22(C)</u>	<u>No open season</u>	<u>No open season</u>
...		

ISSUE: As directed by the Seward Peninsula Muskox Management Plan (adopted in 1994) and the Seward Peninsula Muskox Cooperators Group, muskoxen in Unit 22(C) have been managed exclusively for wildlife viewing and nonconsumptive use. At the August 2000 Muskox Cooperators meeting in Nome, proponents of wildlife viewing and hunting agreed that since the muskox population is growing, a limited hunt in Unit 22(C) is acceptable if the hunt is structured to protect: 1) muskoxen along the road system and 2) muskox groups close to Nome that are highly valued for viewing. The Unit 22(C) muskox population has increased steadily to 148 muskoxen counted in the March 2000 census. The Cooperators reached consensus that a 3 percent harvest rate of bulls only was appropriate in Unit 22(C) and selected the proposed hunt areas and seasons to ensure that the most viewed herds near Nome, and those along the road system were not subjected to disturbance by hunting at times when the road is open to normal highway vehicle travel. The fall hunting season in the Eldorado/Bonanza drainage hunt area has only a small portion of road system at the Bonanza River bridge area and will not create a large impact on road-based viewing opportunities for muskoxen. The winter season in the hunt area west of the Sinuk River occurs at a time when the Teller Road is closed due to seasonal maintenance and will not conflict with road-based viewing opportunities for muskoxen which occur in the summer and fall season when the road is open to highway vehicle travel.

WHAT WILL HAPPEN IF NOTHING IS DONE? A small amount of hunting opportunity allowing a harvest of 4 bulls by Tier II permits will be lost in Unit 22(C) and Nome hunters will continue to feel they do not have a fair opportunity to hunt muskox.

WHO IS LIKELY TO BENEFIT? Residents of Unit 22(C), primarily Nome hunters.

WHO IS LIKELY TO SUFFER? Probably no one, but possibly wildlife viewers if muskoxen become wary of people due to hunting pressure.

OTHER SOLUTIONS CONSIDERED? Leave Unit 22(C) closed to muskox hunting, or allow hunting outside of permanent or seasonal road corridor closures.

PROPOSED BY: Alaska Department of Fish and Game on behalf of the Seward Peninsula Muskox Cooperators Group. (HQ-00F-G-058)

Note: The Board of Game accepted this proposal as an agenda change request. It is printed here for public comment.

PROPOSAL J - 5 AAC 85. 85.050(2). HUNTING SEASONS AND BAG LIMITS FOR MUSK OXEN. Amend this regulation for the resident subsistence hunts in Unit 22D as follows:

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
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(2)

...

Unit 22(D), that portion west of the Tisuk River drainage and Canyon Creek [THAT PORTION NORTH AND WEST OF GRANTLEY HARBOR, IMURUK BASIN, AND THE PILGRIM RIVER DRAINAGE]

1 muskox [BULL] per regulatory year by Tier II subsistence hunting permit only; however, cows may be taken only during the period

Sept. 1 – Mar. 15
[AUG. 1 – MAR. 15]
(Subsistence hunt only)

No open season

Jan. 1 – Mar. 15; up to 7 [30] musk oxen [BULLS] may be taken; however, not more than 3 cows may be taken; total harvest may not exceed 7 musk oxen in Unit 22(D)SW

Unit 22(D), that portion within the Pilgrim River drainage upstream of the Pilgrim River bridge

1 muskox per regulatory year by Tier II subsistence hunting permit only; however, cows may be taken only during the period

Nov. 1- Mar. 15
(Subsistence hunt only)

No open season

Jan. 1 – Mar. 15; up to 32 musk oxen may be taken; however, not more than 13 cows may be taken; total harvest may not exceed 32 musk oxen in Unit 22(D) excluding Unit 22(D)SW

Remainder of Unit 22(D)

1 muskox per regulatory year by Tier II subsistence hunting permit only; however, cows may be taken only during the period

Aug. 1- Mar. 15
(Subsistence hunt only)

No open season

Jan. 1 – Mar. 15; up to 32 musk oxen may be taken; however, not more than 13 cows may be taken; total harvest may not exceed 32 musk oxen in Unit 22(D) excluding Unit 22(D)SW

...

ISSUE: After muskoxen were reintroduced to the Seward Peninsula, their numbers grew most rapidly in Unit 22(D), and 772 muskoxen were counted in the unit in spring 2000. From 1998-2000 annual growth rate was 4 percent per year, while recruitment in the unit was 14 percent in 2000. This suggests that production is still high, but animals may be emigrating from Unit 22(D) to populate other areas.

The population goal identified by the Seward Peninsula Muskox Cooperators for most of Unit 22(D) (except the area closest to Teller) is for continued growth and range expansion to provide increased hunting opportunity. The Cooperators recommend : 1) maintaining a conservative 5 percent harvest rate in Unit 22(D), 2) providing two hunt areas in Unit 22(D): Unit 22(D) SW and Unit 22(D)Remainder, and 3) implementing a cow harvest through an either-sex hunt in both hunt areas. The Cooperators recommended the total 5 percent harvest should be split into a 3 percent bulls-only harvest and a 2 percent either sex harvest. It was recommended that the cow season begin January 1, to protect nursing cows from accidental harvest. Given the productivity of the population, this harvest strategy should continue to allow for substantial growth and emigration from the unit.

Muskox hunting is not currently allowed in the portion of Unit 22(D) south of Imuruk Basin, Grantley Harbor and the Pilgrim River drainage, primarily to protect muskox viewing opportunities along the Nome-Teller Road. Muskoxen are abundant near Teller, probably due to excellent habitat and geographic isolation. The spring 2000 census found 136 muskoxen in the general area near Teller. The summer range of a large mixed age and sex group has been located along the Teller Highway for many years, and these muskoxen have provided the most consistent and dependable opportunity for viewing on the Nome road system. However, the prime viewing area belongs to the Teller Native Corporation, and their primary interest is to use the land for subsistence by shareholders. Teller residents are frustrated that they are not allowed to hunt animals closest to home on their own lands, and complain about competition between people and muskoxen at traditional berry and sour dock picking areas. The Teller Native Corporation and the Teller IRA Council submitted proposals to the Board of Game in October 1999, asking that a hunt be established in the southern part of Unit 22(D).

At the Cooperators meeting, the Teller representatives suggested establishing a hunt area in southwestern Unit 22(D) separate from the remainder of the area south of Imuruk Basin, Grantley Harbor and the Pilgrim River drainage. They identified Unit 22(D) SW as an area for reduced population growth to help alleviate problems associated with increasing numbers of muskoxen near Teller. For the time being it was agreed that 5 percent harvest in Unit 22(D) SW hunt area should be continued until the impacts of hunting and the distribution of animals has been evaluated. However, if muskox continue to be a nuisance, the cooperators may recommend a higher harvest rate than in the remainder of the unit.

Representatives from Teller suggested delaying the season in Unit 22(D) SW until September to prevent disturbance to the animals during summer when most roadside viewing occurs. This was a major concession on the part of Teller residents, although it may not prevent displacement of muskoxen away from the road or prevent them from becoming wary of people. Most cooperators agreed that wildlife viewing is an important use of the resource, but do not want to dictate that Teller Native Corporation land be used for wildlife viewing and not hunting. A consensus was reached that this is an acceptable compromise.

The Cooperators recommended that the portion of Unit 22(D) south of Imuruk Basin, Grantley Harbor and the Pilgrim River drainage that is not contained in Unit 22(D) SW be added to the existing hunt area north of Imuruk Basin. This area has considerable viewing opportunities along the Kougarok Road from the Nugget Divide to the Pilgrim River bridge. The Cooperators did not address the issue of protecting muskox viewing in this portion of the hunt area. However, there was generally an interest in structuring hunts to protect muskox viewing opportunity. Therefore, the department suggests the Pilgrim River drainage upstream of the Pilgrim River bridge be opened to hunting on November 1, after most road traffic has ceased for the winter.

Given past hunter success rates (64 percent) and the fact that Tier II permits are not transferable, the cooperators requested that up to one third (1/3) more permits be issued outside the Unit 22(D) SW hunt area to help achieve a harvest closer to the harvest quota. However, if the harvest reaches the quota for the hunt area, the season may be closed by emergency order. Since the Unit 22(D) SW hunt area is located relatively close to Teller, the Cooperators recommended the number of permits be the same as the harvest quota because the success rate of hunters will likely be higher than in the remainder of the unit.

As requested by the cooperators, the hunt in Unit 22(D) SW will be a state Tier II hunt only. In the remainder of Unit 22(D), a state Tier II hunt will be conducted in combination with a federal subsistence hunt on federal public lands, and 6 permits allotted to a federal subsistence hunt and the remainder to the state Tier II hunt.

WHAT WILL HAPPEN IF NOTHING IS DONE? The population can support a harvest in southern Unit 22(D), including a small harvest of cows throughout Unit 22(D). Those opportunities will be lost if the proposal is not adopted. Teller residents will continue to be frustrated by inability to hunt muskoxen on their own lands close to home.

WHO IS LIKELY TO BENEFIT? Tier II permit holders in Unit 22(D) who want the option of harvesting cows. Teller residents who want to hunt on Teller Corporation lands near the village and who want to reduce the number of muskoxen near Teller. Hunters who want to hunt in the southern portion of Unit 22(D).

WHO IS LIKELY TO SUFFER? Wildlife viewers, tourists, and photographers if muskoxen that are consistently seen along the Nome/Teller Road are driven from their traditional summer range by hunting activity.

OTHER SOLUTIONS CONSIDERED? OTHER SOLUTIONS CONSIDERED? Road corridor closures, delaying hunting along the Teller Road until later in the season, delaying hunting in the most important viewing area until later in the season.

PROPOSED BY: Alaska Department of Fish and Game on behalf of the Seward Peninsula Muskox Cooperators Group (HQ-00F-G-059)

Note: The Board of Game accepted this proposal as an agenda change request. It is printed here for public comment.

PROPOSAL K - 5 AAC 85.050(2). HUNTING SEASONS AND BAG LIMITS FOR MUSK OXEN. Amend this regulation for the resident subsistence muskox hunts in Units 22E and 23 as follows:

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
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(2)

...

Unit 22(E)

<u>1 muskox [BULL] per regulatory year by Tier II subsistence hunting permit only; however, cows may be taken only during the period</u>	Aug. 1 – Mar. 15 (Subsistence hunt only)
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Jan. 1 – Mar. 15; up to 23 [15] musk oxen [BULLS] may be taken; however, not more than 14 cows may be taken; total harvest may not exceed 23 musk oxen in Unit 22(E)

...

Unit 23SW, that portion on the Seward Peninsula west of and including the Buckland River drainage

<u>1 muskox [BULL] per regulatory year by Tier II subsistence hunting permit only; however, cows may be taken only during the period</u>	Aug. 1 – Mar. 15 (Subsistence hunt only)
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Jan. 1 – Mar. 15; up to 13 [8] musk oxen [BULLS] may be taken; however, not more than 8 cows may be taken; total harvest may not exceed 13 musk oxen in Unit 23SW

ISSUE: The Unit 22(E) muskox population has grown steadily over the last decade and increased 14 percent annually between 1998 and 2000. As of March 2000 this population numbered 461 muskoxen. Muskoxen expanded into Unit 23SW at a slightly slower rate and by spring 2000 this population numbered 255 muskoxen. The average annual growth rate in Unit 23SW was 12 percent between 1998 and 2000, and recruitment was 13 percent in 2000.

At the August 2000 meeting of the Seward Peninsula Muskox Cooperators, representatives advocated establishing a cow harvest in Units 22(E) and 23SW. The Cooperators agreed that regulatory changes should be made slowly to evaluate the effects of a small cow harvest before increasing the overall harvest rate. Although there was discussion of slowing population growth in some areas where muskoxen are thought to be a nuisance, the majority of Cooperators desired population growth and range expansion to provide increased hunting opportunity in the future. The Cooperators recommended continuing a conservative total harvest rate of 5 percent. Representatives from Units 22(E) and 23SW requested a 3 percent either sex harvest and given the healthy growth rates in both units, the Cooperators agreed this was reasonable. The Cooperators agreed the remaining 2 percent harvest (of the total 5 percent harvest) should be applied to the existing bulls-only hunt. It was recommended that the cow season begin January 1, to protect nursing cows from accidental harvest.

Given past hunter success rates (averaging 50 percent in Unit 23SW and 72 percent in Unit 22(E)) and the requirement that Tier II permits are not transferable, the Cooperators requested that up to a one-third (1/3) more permits should be issued to help achieve a harvest that more closely approaches the harvest quota. The hunt will be closed by emergency order if the number of muskox taken in that subunit reaches the harvestable surplus.

State Tier II hunts in Unit 22(E) and 23SW are currently conducted in combination with a federal subsistence hunt on federal public lands. In Unit 22(E), 50 percent of harvest is allocated to the state Tier II hunt and 50 percent to the federal hunt. In Unit 23SW, 2/3 of the harvest is taken with state Tier II permits and 1/3 with federal permits. The Cooperators recommended continuing this allocation of bull-only and either sex permits between the state and federal systems.

WHAT WILL HAPPEN IF NOTHING IS DONE? The population can support a small harvest of cows and opportunity for an either sex harvest will be lost. The actual harvest will continue to be far below the harvestable surplus of muskox.

WHO IS LIKELY TO BENEFIT? Tier II permit holders in Units 22(E) and 23SW who want the option of harvesting cows.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Increasing the harvest rate above 5 percent.

PROPOSED BY: Alaska Department of Fish and Game on behalf of the Seward Peninsula Muskox Cooperators Group (HQ-00F-G-060)

Note: The Board of Game accepted this proposal as an agenda change request. It is printed here for public comment.

PROPOSAL L - 5 AAC 92.080(4). UNLAWFUL METHODS OF TAKING GAME; EXCEPTIONS. Amend this regulation as follows:

...

(4) unless otherwise provided in this chapter, from a motorized vehicle, a motor-driven boat, or a snowmachine unless the motor has been completely shut off and the progress from the motor's power has ceased, except that a motor-driven boat may be used to take caribou in Units 23 and 26, a snowmachine may be used in Units 22 and 23 to position caribou to select individual caribou for harvest, provided that animals are not shot from a moving snowmachine, a snowmachine may be used to take wolves in wolf control implementation areas identified in 5 AAC 92.125(1), (2), (3), and (5), aircraft may be used to take wolves in wolf control implementation areas identified in 5 AAC 92.125(1), (2), (3), (4) and (5), and a motorized vehicle may be used to take game as described in (10) of this section;

(5) except as otherwise specified, with the use of an aircraft, snowmachine, motor-driven boat, or other motorized vehicle for the purpose of driving, herding, or molesting game;

...

ISSUE: Passage of SB 74 allowing same-day-airborne hunting in specific areas has created discrepancies between administrative code and statute. Although it is clear that the statute trumps the regulations in the five wolf control plan areas, after consulting with the Department of Law we believe it would be advisable to adjust regulatory language to reflect that. Opening the sections governing methods and means will allow the board to conform regulations to the current state law and alleviate the public confusion caused by changing laws.

WHAT WILL HAPPEN IF NOTHING IS DONE? Statute and regulation will continue to be in conflict.

WHO IS LIKELY TO BENEFIT? Hunters who wish to understand current regulations concerning same-day-airborne hunting in wolf management areas.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Alaska Department of Fish and Game (HQ-00F-G-063)
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Note: The Board of Game accepted this proposal as an agenda change request. It is printed here for public comment.

PROPOSAL M - 5 AAC 92.085(8). UNLAWFUL METHODS OF TAKING BIG GAME; EXCEPTIONS. Amend this regulation to include the following:

...

(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; however, this paragraph does not apply to

(A) taking deer;

(B) repealed 7/1/92;

(C) a person flying on a regularly scheduled commercial airline, including a commuter airline; or

(D) taking caribou from January 1 through April 15, in Units 9(B), 17(B), and that portion of 17(C) east of the Nushagak River, provided the hunter is at least 300 feet from the airplane at the time of taking;

(E) wolves taken in wolf control implementation areas identified in 5 AAC 92.125,

...

ISSUE: Passage of SB 74 allowing same-day-airborne hunting in specific areas has created discrepancies between administrative code and statute. Although it is clear that the statute trumps the regulations in the five wolf control plan areas, after consulting with the Department of Law we believe it would be advisable to adjust regulatory language to reflect that. Opening the sections governing methods and means will allow the board to conform regulations to the current state law and alleviate the public confusion caused by changing laws.

WHAT WILL HAPPEN IF NOTHING IS DONE? Statute and regulation will continue to be in conflict.

WHO IS LIKELY TO BENEFIT? Hunters who wish to understand current regulations concerning same-day-airborne hunting in wolf management areas.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Alaska Department of Fish and Game (HQ-00F-G-064)

Note: The Board of Game accepted this proposal as an agenda change request. It is printed here for public comment.

PROPOSAL N - 5 AAC 92.095(8). UNLAWFUL METHODS OF TAKING FUR BEARERS; EXCEPTIONS. Amend this regulation to include the following:

...

(8) a person who has been airborne may not use a firearm to take or assist in taking an arctic fox, red fox, coyote, wolf, lynx, or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred; this paragraph does not apply to a trapper using a firearm to dispatch an animal caught in a trap or snare, [OR] in taking a coyote if that person is over 300 feet from the airplane at the time of the taking, or taking wolves in wolf control implementation areas identified in 5 AAC 92.125;

...

ISSUE: Passage of SB 74 allowing same-day-airborne hunting in specific areas has created discrepancies between administrative code and statute. Although it is clear that the statute trumps the regulations in the five wolf control plan areas, after consulting with the Department of Law we believe it would be advisable to adjust regulatory language to reflect that. Opening the sections governing methods and means will allow the board to conform regulations to the current state law and alleviate the public confusion caused by changing laws.

WHAT WILL HAPPEN IF NOTHING IS DONE? Statute and regulation will continue to be in conflict.

WHO IS LIKELY TO BENEFIT? Hunters who wish to understand current regulations concerning same-day-airborne hunting in wolf management areas.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Alaska Department of Fish and Game (HQ-00F-G-065)

Note: The Board of Game accepted this proposal as an agenda change request. It is printed here for public comment.

PROPOSAL O - 5 AAC 92.530(7). MANAGEMENT AREAS. Amend this regulation in the Dalton Highway Corridor Management Area as follows:

(A) the area consists of those portions of Units 20 and 24 - 26 extending five miles from each side of the Dalton Highway, including the driveable surface of the Dalton Highway, from the Yukon River to the Prudhoe Bay Closed Area;

(B) the area is closed to hunting; however, big game, small game, and fur animals may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles may be used to transport game or hunters within the Dalton Highway Corridor Management Area, and snow machines may be used to transport game or hunters across the management area from land outside the management area to access land outside the other side of the management area; any hunter traveling on the Dalton Highway must stop at any check station operated by the department within the Dalton Highway Corridor Management Area;

ISSUE: Under current regulation, restrictions on off-road vehicle use for hunting in the Dalton Highway Corridor Management Area prevent hunters who live on one side of the Management Area from legally accessing lands on the other side of the management area for hunting using snow machines during the winter. During the March 1998 Board of Game meeting, the board considered this issue and passed a proposal to allow hunters to cross the management area using snow machines to hunt outside the management area on the other side. However, the board's intent was not codified in regulation because it was contrary to prohibitions on off-road vehicle use within five miles of the Dalton Highway in AS 19.40.210.

The 21st Alaska Legislature amended AS 19.40.210 to provide for travel by snow machine across the Dalton Highway corridor from one side to the other while maintaining the prohibition on use of off-road vehicles if the use begins or ends within the corridor. The new provision in statute effective August 21, 2000 is:

Sec. 19.40.210. Prohibition off-road vehicles. Off-road vehicles are prohibited on land within five miles of the rightway of the highway. However, this prohibition does not apply to

...

- (3) the use of a snow machine to travel across the highway corridor from land outside the corridor to access land on the other side of the corridor; this paragraph does not permit the use of a snow machine for any purpose within the corridor if the use begins or ends

within the corridor or within the right-of-way of the highway or if the use is for travel within the corridor that is parallel to the right-of-way of the highway; in this paragraph, "highway corridor" means land within five miles of the right-of-way of the highway.

The proposed regulation provides for travel across the Dalton Highway Corridor Management Area with snow machines for hunting in areas outside the Dalton Highway Corridor Management Area consistent with the revised statute and the board's intent in 1998.

WHAT WILL HAPPEN IF NOTHING IS DONE? Hunters who live on one side of the Dalton Highway corridor who wish to use snow machines to access hunting lands on the other side of the corridor will be prohibited from doing so by regulation.

WHO IS LIKELY TO BENEFIT? Residents whose winter hunting areas include land on both sides of the Dalton Highway Corridor Management Area.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None. This proposal will make regulations in 5 AAC 92 consistent with the intent of the legislature in HB 205.

PROPOSED BY: Alaska Department of Fish and Game (HQ-00F-G-061)
